

5  
1

2001

# ILLINOIS

## REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



Volume 25, Issue 49  
December 07, 2001

Pages 15,466 – 15,701

Index Department  
Administrative Code Div.  
111 East Monroe Street  
Springfield, IL 62756  
(217) 782-7017  
<http://www.cyberdriveillinois.com>



Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

TABLE OF CONTENTS  
December 7, 2001    Volume 25, Issue 49

PROPOSED RULES

EDUCATION, STATE BOARD OF

Reading Improvement Program

23 Ill. Adm. Code 260 .....15466

Standards For Administrative Certification

23 Ill. Adm. Code 29 .....15474

Standards For Certification In Early Childhood Education And In  
Elementary Education

23 Ill. Adm. Code 26 .....15506

HOUSING DEVELOPMENT AUTHORITY, ILLINOIS

Accessible Housing Demonstration Grant Program

47 Ill. Adm. Code 355 .....15536

REVENUE, DEPARTMENT OF

Bingo License And Tax Act

86 Ill. Adm. Code 430 .....15539

Use Tax

86 Ill. Adm. Code 150 .....15551

ADOPTED RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

Pay Plan

80 Ill. Adm. Code 310 .....15560

NATURAL RESOURCES, DEPARTMENT OF

Disabled Hunting Method Authorizations

17 Ill. Adm. Code 760 .....15585

RACING BOARD, ILLINOIS

Definitions

11 Ill. Adm. Code 210 .....15590

Entries, Subscriptions, And Declarations

11 Ill. Adm. Code 1413 .....15608

Medication

11 Ill. Adm. Code 603 .....15611

Security Areas

11 Ill. Adm. Code 436 .....15622

STATE POLICE, DEPARTMENT OF

Certification And Training Of Electronic Criminal Surveillance  
Officers

20 Ill. Adm. Code 1295 .....15626

## EMERGENCY RULES

### HOUSING DEVELOPMENT AUTHORITY, ILLINOIS

#### Accessible Housing Demonstration Grant Program

47 Ill. Adm. Code 355 .....15636

### SECRETARY OF STATE

#### Public Use Of The Capitol Complex Facilities

71 Ill. Adm. Code 2005, Repeal .....15656

#### Public Use Of The Capitol Complex Facilities

71 Ill. Adm. Code 2005 .....15658

## PEREMPTORY RULES

### CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

#### Pay Plan

80 Ill. Adm. Code 310 .....15671

## NOTICE OF EXPEDITED CORRECTIONS

### REVENUE, DEPARTMENT OF

#### Retailers' Occupation Tax

86 Ill. Adm. Code 130 .....15681

## NOTICE OF PUBLIC INFORMATION

### BANKS AND REAL ESTATE, OFFICE OF

Notice Of Fine Imposed Under The Residential Mortgage License Act Of  
1987 .....15697

### LABOR, DEPARTMENT OF

Contractor Prohibited From An Award Of A Contract Or Subcontract For  
Public Works Projects .....15698

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received .....15699

## ISSUES INDEX I-1

**Editor's Note:** The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

Issue 16-April	14, 2000:	Data Through March	31, 2000
Issue 29-July	14, 2000:	Data Through June	30, 2000
Issue 42-October	13, 2000:	Data Through September	30, 2000
Issue 3-January	19, 2001:	Data Through December	31, 2000 (Annual)



## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

## REGISTER PUBLICATION SCHEDULE 2001

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 26, 2000	January 5, 2001	Issue 28	July 2	July 13
Issue 2	January 2, 2001*	January 12	Issue 29	July 9	July 20
Issue 3	January 8	January 19	Issue 30	July 16	July 27
Issue 4	January 16*	January 26	Issue 31	July 23	August 3
Issue 5	January 22	February 2	Issue 32	July 30	August 10
Issue 6	January 29	February 9	Issue 33	August 6	August 17
Issue 7	February 5	February 16	Issue 34	August 13	August 24
Issue 8	February 13*	February 23	Issue 35	August 20	August 31
Issue 9	February 20*	March 2	Issue 36	August 27	September 7
Issue 10	February 26	March 9	Issue 37	September 4*	September 14
Issue 11	March 5	March 16	Issue 38	September 10	September 21
Issue 12	March 12	March 23	Issue 39	September 17	September 28
Issue 13	March 19	March 30	Issue 40	September 24	October 5
Issue 14	March 26	April 6	Issue 41	October 1	October 12
Issue 15	April 2	April 13	Issue 42	October 9*	October 19
Issue 16	April 9	April 20	Issue 43	October 15	October 26
Issue 17	April 16	April 27	Issue 44	October 22	November 2
Issue 18	April 23	May 4	Issue 45	October 29	November 9
Issue 19	April 30	May 11	Issue 46	November 5	November 16
Issue 20	May 7	May 18	Issue 47	November 13*	November 26**
Issue 21	May 14	May 25	Issue 48	November 19	November 30
Issue 22	May 21	June 1	Issue 49	November 26	December 7
Issue 23	May 29*	June 8	Issue 50	December 3	December 14
Issue 24	June 4	June 15	Issue 51	December 10	December 21
Issue 25	June 11	June 22	Issue 52	December 17	December 28
Issue 26	June 18	June 29	Issue 1	December 26 (Wed. Noon)	January 4, 2002
Issue 27	June 25	July 6			

\* Tuesday 12 noon deadline following a state holiday.

\*\* Monday publication date following a state holiday.



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Reading Improvement Program

2) Code Citation: 23 Ill. Adm. Code 260

3) Section Number:  
260.30 Proposed Action:  
Amendment  
260.50 Amendment  
260.55 Amendment  
260.80 Amendment

4) Statutory Authority: 105 ILCS 5/2-3.51

5) A Complete Description of the Subjects and Issues Involved: These amendments implement Public Act 92-25, which was enacted in June of this year. That Act made changes in the activities that are allowable for funding under Section 2-3.51 of the School Code (Reading Improvement Block Grant Program) and also changed the requirements for districts' measurement and reporting of students' reading performance.

Although funds under this program may still be used in grades K-6, the focus of the program has been altered. More emphasis has been placed on early reading intervention and the early identification of students with reading difficulties, as well as on professional development for teachers. All programs of support, whether for very young students or for those in grades 3 through 6, are required by the new legislation to be based on scientific research and best practice and to provide on-going training for the teachers in the program. One-quarter of the funds a district receives may be used for classroom reading materials.

All these programmatic specifications are given in the law and are therefore not repeated in the rules. Instead, changes are needed mainly in the portions of the rules that describe the requirements for methods of measuring students' reading performance. Due to legislative changes enacted in 1998, districts are ineligible for continued funding if they do not demonstrate that they are making "performance progress," and they are required to seek approval from the State Board for the methods they propose to use to show their progress. This year's changes require them to use methods that permit measurement of the reading growth of students who receive direct instruction as a result of these grant funds, as well as to show the impact of the staff development activities funded under this grant. Section 260.55 shows the major portion of these changes, while the other portions of the rules are being brought into conformance with them. Several other technical changes are also included.

6) Will these proposed amendments replace any emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Sally Vogl

Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
(217)782-3950

Comments may also be submitted electronically, addressed to:  
rules@isbe.net

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:  
Not applicable

C) Types of professional skills necessary for compliance: Not applicable

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: P.A. 92-25 was signed into law the day after the agency submitted the July 2001 regulatory agenda for publication.

The full text of the Proposed Amendments begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER I: STATE BOARD OF EDUCATION  
SUBCHAPTER 9: SPECIAL COURSES OF STUDY

PART 260  
READING IMPROVEMENT PROGRAM

Section	
260.10	Definitions (Repealed)
260.20	Purpose
260.30	Eligible Applicants
260.40	Allowable Expenditures
260.50	Procedure and Criteria for Approval of Applications
260.55	Eligibility for Continued Funding
260.60	Allocation of Funds (Repealed)
260.70	Distribution of Grant Awards
260.80	Year-End Reporting

AUTHORITY: Implementing and authorized by Section 2-3.51 of the School Code [105 ILCS 5/2-3.51].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15967, effective October 2, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 7757, effective April 29, 1986; amended at 14 Ill. Reg. 20714, effective December 14, 1990; amended at 16 Ill. Reg. 14196, effective September 8, 1992; amended at 22 Ill. Reg. 19763, effective October 30, 1998; amended at 23 Ill. Reg. 7083, effective June 2, 1999; amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 260.30 Eligible Applicants

Eligible applicants are public school districts, charter schools, and public university laboratory schools providing instruction in grades K-6. Commencing with Fiscal Year 2002, eligible applicants shall be only those that have made performance progress as required by Section 2-3.51 of the School Code (see Section 260.55 of this Part).

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 260.50 Procedure and Criteria for Approval of Applications

- a) The State Board of Education shall provide application forms and shall notify each eligible applicant of the maximum amount of its entitlement pursuant to Section 2-3.51 of the School Code. Each application form shall require the applicant to provide:
  - 1) a total grant request equal to or less than the amount for which

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

the applicant is eligible;  
2) assurance that the applicant will comply with the provisions of Section 2-3.51 of the School Code and this Part;  
3) information identifying the purposes for which the applicant plans to use the funds provided pursuant to this Part; and  
4) a description of the program or initiative to which the planned expenditures pertain, including evidence that the program or initiative is derived from scientifically based reading research as defined in Section 2-3.51 of the School Code and complies with the applicable requirements of subsection (a-5) of that Section; and

5) the information called for in Section 260.55(a) through (e) of this Part.

b) Applications must be submitted to the State Board of Education by the date specified on the form. This date will be determined so that all eligible applicants will have at least 30 days to complete and submit the form. An applicant's failure to comply with this requirement will delay its receipt of program assistance pursuant to Section 260.70 of this Part.

c) Information provided in the application will be reviewed by State Board of Education staff to determine that the information demonstrates compliance with Section 2-3.51 of the School Code and this Part.

d) State Board staff shall notify applicants of any requested information that is missing from the application. An application shall not be approved for funding until it is complete.

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 260.55 Eligibility for Continued Funding

Section 2-3.51 of the School Code provides that districts not demonstrating performance progress using an approved assessment method shall not be eligible for funding in the third or subsequent years until such progress is established. Each application for funding under the Reading Improvement Block Grant program shall include a proposed assessment method or methods for measuring the reading growth of students who receive direct instruction as a result of the funding and the impact of staff development activities on student growth in reading student--reading--skills and shall be submitted by the deadline announced by the State Superintendent of Education.

- a) Each application shall list or describe the method or methods the applicant proposes to use to measure students' reading skills. Such methods may include the reading portion of the Illinois standards achievement testing Goals-and-Assessment Program (Section 2-3.51 of the School Code).

1) If a proposed assessment instrument is a standardized or commercially available criterion-referenced test, the applicant



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

shall assure the State Superintendent that the instrument meets the generally accepted standards of validity and reliability set forth in "Standards for Educational and Psychological Testing" (1985) published by the American Psychological Association, 1200 7th St., N.W., Washington, D.C. 20036. (No later amendments to or editions of these standards are incorporated.)

- 2) If a proposed assessment instrument is locally developed or chosen, the applicant shall:

A) indicate the acceptable standard of performance on that measure; and

B) certify to the State Superintendent that the instrument measures what it is intended to measure and can be expected to yield consistent results, including a description of the methods by which the applicant's staff arrived at the conclusion that this is the case.

- 3) Results of the proposed method(s) must be expressed in quantifiable terms, such as the percentage of students achieving a passing score or meeting an established standard.

- b) Each application shall describe the population of students whose reading performance will be measured.

1) For purposes of demonstrating performance progress, measurement may be conducted on a district wide basis (e.g., all fourth-graders) or may involve only the students who are affected by the provision of services under this program. However, a proposed districtwide method shall be approved only if it permits disaggregation of the achievement of students who receive direct instruction in reading and/or whose reading teachers engage in staff development as a result of the funding provided pursuant to Section 2-3.51 of the School Code.

A) If measurement is to be conducted on a districtwide basis, the population of students whose performance is assessed by the proposed method(s) must include at least all the students who would be required to participate in the reading portion of the State assessment pursuant to Section 2-3.64 of the School Code [105 ILCS 5/2-3.64] if they were in grade 3 or 5.

B) If measurement is to involve only groups of students affected by the provision of services under the Reading Improvement Program, all affected students shall be included. For example, if reading improvement program funds are used to lower class size, all the students in all affected classrooms must be included in reporting of results.

- 2) Measurement shall involve affected cohorts of students at several points in their educational careers or may involve successive groups of students at the same point. For example, students whose performance was measured in the fourth grade may be retested in the fifth grade to demonstrate progress or

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

~~fourth-grade students may be pre- and post-tested for several years in a row to demonstrate progress.~~

- c) Each application shall describe how the proposed method or methods will permit the applicant to demonstrate performance progress as defined in subsection (i) of this Section. If the proposed methods differ from one year to the next, this description shall provide a rationale for the proposed change and specific information about how the necessary comparisons can be made.

- d) Each application shall include a proposed method for measuring the impact of staff development activities on student growth in reading.

The proposed method shall permit linking the recipients of professional development under this grant program with the students who subsequently receive instruction from them.

- ed) Each application shall assure the State Superintendent that the applicant will take such measures as may be necessary to prevent inappropriate disclosure of test questions or other materials that form part of the proposed assessment method(s).

- fe) The State Superintendent of Education shall approve the method or methods proposed if the application complies with subsections (a) through (e) of this Section.

- gf) No later than 60 days after the due date established for applications, the State Superintendent shall notify each applicant whether its proposed method of measuring students' reading skills is approved. Failure to apply in a timely manner may delay an applicant's receipt of this response. In the case of a disapproval, the applicant shall be notified of the reason for the disapproval and of any modifications that would bring its proposed method into compliance with the requirements of this Section. An applicant may revise and seek approval of its proposed method so long as time remains in which to implement the method after its approval.

- hg) ~~Each Commencing with the 1999-2000 school year, each applicant shall annually report to the State Superintendent of Education its reading results for the previous school year, expressed in terms of students' performance on at least the assessment measures approved pursuant to Section 260.55 of this Part. This report shall also include a summary of the results of the staff development provided in terms of its effects on students' reading performance. This report shall be made no later than November 1 on a form to be supplied by the State Superintendent, unless an extension of the deadline is granted by the State Superintendent due to the timing of a district's local assessment. An applicant that fails to submit its report of reading results in a timely fashion shall forfeit any grant funds to which it would otherwise be eligible for the affected school year pursuant to this Part, due to the necessity for the State Superintendent to calculate grant allocations and notify all districts and affected public university laboratory schools and charter schools of their eligibility and allocation amounts.~~

- ih) ~~An Commencing with the 2001-2002 school year, an applicant will be~~

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

eligible for continued funding only if its assessment results on the approved measure(s) for the preceding year indicate that it made "performance progress" as required by Section 2-3.51 of the School Code. "Performance progress" means any of the following:

- 1) A higher percentage of students scored at or above the locally established standard on the approved measure(s) of reading performance (e.g., achieved passing scores, grade-level equivalents, criterion reference points, or local benchmarks) than in the preceding testing cycle.
- 2) The average score achieved by students on the approved measure(s) rose in comparison to the average for the preceding testing cycle.
- 3) A higher percentage of students scored in the top two quartiles on the approved measure(s) than in the preceding testing cycle, or a lower percentage of students scored in the bottom quartile.
- 4) An increased percentage of students moved into a higher quartile than was the case in the preceding testing cycle.
- 5) The degree by which students fell short of meeting the established standard on the approved measure(s) lessened in comparison to the preceding testing cycle.
- 6) A lower percentage of students in grades higher than those served by this program required ongoing remedial services than in the preceding year.
- 7) An applicant with 90% or more of scores at or above the established standard maintained its performance in comparison to the preceding testing cycle.

j) Beginning with the 2001-2002 school year, the State Superintendent shall notify any applicant whose results on its approved measure(s) of reading performance contradict its State assessment scores in reading for either grade 3 or grade 5. No later than 30 days after receipt of such notification, the applicant shall provide to the State Superintendent an analysis of this discrepancy and the applicant's rationale for concluding that it has nevertheless made performance progress.

k) An applicant may appeal either disapproval of its proposed assessment method(s) or a determination that it has failed to make performance progress. In the latter case, the applicant may appeal either on the grounds that it has made performance progress or on the grounds that the factors that led to such failure were beyond the applicant's control.

1) The superintendent or chief administrator of an eligible applicant may request a conference at which representatives of the applicant will have an opportunity to discuss the issues involved with representatives of the State Board of Education.

2) If a conference is held and the areas of concern are not resolved, the school board may submit an appeal by adopted board resolution. The appeal must identify the ways in which the proposed method meets the requirements of Section 2-3.51 of the

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

School Code and this Section, the way in which the information submitted demonstrates that performance progress has been made, or the external factors that led to its inability to make performance progress, as applicable.

- 3) The applicant will be given an opportunity to present information relevant to the issues appealed. The State Superintendent of Education will consider the appeal and issue a final written determination.
- 4) An applicant's eligibility for funding shall not be interrupted for failure to make performance progress if the State Superintendent determines that such failure was beyond the applicant's control and that the applicant plans to take specific steps in the immediate future to enable it to resume making performance progress.

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 260.80 Year-End Reporting

a) In order to permit compliance with subsection (a-15) of Section 2-3.51 of the School Code, recipients of funds under this program shall annually report to the State Board of Education, on a form supplied by the State Board, regarding their uses of the funds provided and the results achieved in terms of improving the reading skills of students in grades kindergarten through six. Annual reports shall address at least the following areas, as applicable to the recipient's use of the funds such areas as:

1a) the numbers of students who received direct instruction in each of the grades K through 6 served;

2b) summary information about the number and characteristics of students who have been referred for additional reading intervention or support the numbers of teachers involved;

3c) the number of staff members hired and their positions and grade levels any transitional grades created;

4d) the number of staff members who received professional development the impact of reductions in class size; and

5e) the nature of staff development provided.

b) At the end of each fiscal year, each grant recipient shall also be required to submit a financial report that reflects the actual expenditures charged to the Reading Improvement Program.

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

1) Heading of the Part: Standards for Administrative Certification

2) Code Citation: 23 Ill. Adm. Code 29

<u>Section Number:</u>	<u>Proposed Action:</u>
29.10	New Section
29.100	New Section
29.110	New Section
29.120	New Section
29.130	New Section

4) Statutory Authority: 105 ILCS 5/Art. 21 and 2-3.6

5) A Complete Description of the Subjects and Issues Involved: This new Part sets forth the standards that will apply to the approval of preparation programs leading to administrative certification as of July 1, 2003. The standards will also apply to candidates seeking certification in these fields, as the tests of subject matter knowledge they will be required to pass in order to receive certification will be based on these standards beginning July 1, 2004.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
(217)782-3950 e-mail: rules@isbe.net

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

B) Reporting, bookkeeping or other procedures required for compliance:  
Not applicable

C) Types of professional skills necessary for compliance: Not applicable

13) Regulatory Agenda on which this rulemaking was summarized: July 2001

The full text of the proposed rules begins on the next page:

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER b: PERSONNEL

## PART 29

## STANDARDS FOR ADMINISTRATIVE CERTIFICATION

## Section

29.10 Purpose and Effective Dates

29.100 Illinois Professional School Leader Standards

29.110 Chief School Business Official

29.120 Principal

29.130 Superintendent

**AUTHORITY:** Implementing Article 21 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21 and 2-3.6].

**SOURCE:** Adopted at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 29.10 Purpose and Effective Dates

This Part establishes the standards that shall apply to the issuance of administrative certificates and the endorsements available on those certificates. The standards set forth in this Part shall apply both to candidates for the respective endorsements and to the programs that prepare them. That is:

- a) beginning July 1, 2003, approval of any preparation program or course of study in any field covered by this Part pursuant to the State Board's rules for Certification (23 Ill. Adm. Code 25, Subpart C) shall be based on the congruence of that program's or course's content with the relevant standards identified in this Part; and
- b) beginning on July 1, 2004, the examination(s) required for issuance of a certificate endorsed in any field covered by this Part shall be based on the relevant standards set forth herein.

## Section 29.100 Illinois Professional School Leader Standards

The standards set forth in this Section shall apply to all candidates for the administrative certificate.

- a) Facilitating a Vision of Learning - A school administrator is an educational leader who promotes the success of all students by facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community.

- 1) Knowledge Indicator - The administrator has knowledge and understanding of:

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- A) learning goals in a pluralistic society.
- B) the principles of developing and implementing long-term plans.

- C) theories of educational leadership.

- D) information sources, data collection, and data analysis strategies.

- E) effective communication.

- F) effective consensus-building and negotiation skills.

- G) the philosophy and history of education.

- 2) Performance Indicator - The administrator facilitates processes and engages in activities ensuring that:

- A) the vision and mission of the school are collaboratively developed.

- B) the vision and mission are effectively communicated through the use of symbols, ceremonies, stories, and similar activities reflecting the diversity of the school community.

- C) the core beliefs of the school vision are modeled.

- D) progress toward the vision and mission is communicated to everyone.

- E) the school community is involved in school improvement efforts.

- F) the vision and mission shape the educational programs, plans, and actions of the school.

- G) data related to student learning are used to develop the school's mission and goals.

- H) relevant demographic data pertaining to students and their families are used in developing the school's mission and goals.

- I) an implementation plan is developed in which objectives and strategies for achieving the vision and goals are clearly articulated.

- J) barriers to achieving the vision, mission, and goals are identified, clarified, and addressed.

- K) financial, human, and material resources are sought and obtained to support the implementation of the school's mission and goals.

- L) the vision, mission, goals, and implementation plans are regularly monitored, evaluated, and revised.

- b) School Culture and Instructional Program - A school administrator is an educational leader who promotes the success of all students by advocating, nurturing, and sustaining a school culture and instructional program conducive to students' learning and staff's professional growth.

- 1) Knowledge Indicator - The administrator has knowledge and understanding of:

- A) school cultures.

- B) the continuum of students' growth and development.

- C) applied learning theories.



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- D) curriculum design, implementation, evaluation, and refinement.
- E) principles of effective instruction and best practices.
- F) measurement, evaluation, and assessment strategies.
- G) diversity and its meaning for educational programs.
- H) adult learning and professional development models.
- I) the change process for systems, organizations, and individuals.
- J) the role of technology in promoting students' learning and professionals' growth.
- K) classroom management.
- 2) Performance Indicator - The administrator facilitates processes and engages in activities ensuring that:
- A) all individuals are treated with fairness, dignity, and respect.
- B) professional development promotes a focus on students' learning consistent with the school's vision and goals.
- C) students and staff are valued.
- D) the responsibilities and contributions of each individual are acknowledged.
- E) barriers to students' learning are identified, clarified, and addressed.
- F) diversity is considered in developing learning experiences.
- G) life-long learning is encouraged and modeled.
- H) there is a culture of high expectations for self, students, and staff's performance.
- I) appropriate technologies are used in teaching and learning.
- J) students' and staff's accomplishments are recognized.
- K) multiple opportunities to learn are available to all students.
- L) the school is organized and aligned for success.
- M) curricular, co-curricular, and extra-curricular programs are designed, implemented, evaluated, and refined.
- N) decisions about curriculum are based on research, standards developed by learned societies, and the needs of the community.
- O) the school's culture and climate are assessed on an ongoing basis.
- P) multiple sources of information are used to make decisions.
- Q) students' learning is assessed using a variety of techniques.
- R) multiple sources of data regarding performance are used by staff and students.
- S) various supervisory and evaluation models are employed.
- T) pupil personnel programs are developed to meet the needs of students and their families.
- c) Management - A school administrator is an educational leader who promotes the success of all students by ensuring management of the

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- organization, operations, and resources for a safe, efficient, and effective learning environment.
- 1) Knowledge Indicator - The administrator has knowledge and understanding of:
- A) theories and models of organizations and the principles of organizational development.
- B) local operational policies and procedures.
- C) principles and issues relating to school safety and security.
- D) management and development of human resources.
- E) principles and issues relating to fiscal operations in school management.
- F) principles and issues relating to school facilities and the use of space.
- G) legal issues affecting school operations.
- H) current technologies that support managerial functions.
- 2) Performance Indicator - The administrator facilitates processes and engages in activities ensuring that:
- A) knowledge of learning, teaching, and students' development is used to make management decisions.
- B) operational procedures are designed and managed to maximize opportunities for learning.
- C) emerging trends are recognized, studied, and applied as appropriate.
- D) operational plans and procedures to achieve the vision and goals of the school are in place.
- E) collective bargaining and other contractual agreements related to the school are effectively managed.
- F) the school's plant, equipment, and support systems operate safely, efficiently, and effectively.
- G) time is managed to maximize attainment of organizational goals.
- H) potential problems and opportunities are identified, confronted, and resolved in a timely manner.
- I) resources are aligned to the goals of schools.
- J) organizational systems are monitored on an ongoing basis and modified as needed.
- K) responsibility is shared to maximize ownership and accountability.
- L) effective problem-framing and problem-solving skills are used.
- M) there is effective use of technology to manage school operations.
- N) the resources of the school are managed ethically, legally, efficiently, and effectively.
- O) a safe, clean, and aesthetically pleasing school environment is created and maintained.
- d) Collaboration with Families and Communities - A school administrator

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

is an educational leader who promotes the success of all students by collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources.

1) Knowledge Indicator - The administrator has knowledge and understanding of:

- A) emerging issues and trends that potentially affect the school community.
- B) the conditions and dynamics of the diverse school community.
- C) community resources.
- D) community relations and marketing strategies and processes.
- E) successful models of school, family, business, community, government, and higher education partnerships.
- F) hierarchic relationships and political organizations.

2) Performance Indicator - The administrator facilitates processes and engages in activities ensuring that:

- A) visibility, involvement, and communication with the larger community are priorities.
- B) relationships with community leaders are identified and nurtured.
- C) information about family and community concerns, expectations, and needs is used continuously.
- D) there are relationships with business, religious, political, and service agencies and organizations.
- E) individuals and groups with diverse values and opinions are treated equitably.
- F) the school and community serve one another as resources.
- G) partnerships are established with area businesses.
- H) institutions of higher education, and community groups strengthen programs and support school goals.
- I) community resources and social services are integrated to enhance both common goals and educational goals.
- J) multi-cultural awareness, gender sensitivity, community collaboration, and racial and ethnic appreciation are promoted and modeled.
- K) media relations are developed and maintained.
- L) a comprehensive program of community relations is established and implemented.
- M) opportunities for staff to develop collaborative skills are provided.

e) Acting with Integrity, Fairness, and in an Ethical Manner - A school administrator is an educational leader who promotes the success of all students by acting with integrity, fairness, and in an ethical manner.

1) Knowledge Indicator - The administrator has knowledge and understanding of:

- A) the purpose of education and the role of leadership in modern society.
- B) various ethical frameworks and perspectives on ethics.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

C) the values and challenges of the diverse school community.

D) professional codes of ethics.

2) Performance Indicator - The administrator:

- A) examines personal and professional values.
- B) demonstrates a personal and professional code of ethics.
- C) demonstrates values, beliefs, and attitudes that inspire others to higher levels of performance.
- D) serves as a role model.
- E) considers the impact of his or her administrative practices on others.
- F) uses the influence of the office to enhance the educational program.
- G) treats people fairly, equitably, and with dignity and respect.
- H) protects the rights and confidentiality of others.
- I) demonstrates appreciation for and sensitivity to the diversity in the school community.
- J) recognizes and respects the legitimate authority of others.
- K) examines and considers the prevailing values of the diverse school community.
- L) expects that others in the school community will demonstrate integrity and exercise ethical behavior.
- M) opens the school to public scrutiny.
- N) fulfills legal and contractual obligations.
- O) applies laws and procedures fairly, wisely, and considerately.
- P) demonstrates the importance of equity in a democratic society.

f) The Political, Social, Economic, Legal and Cultural Context - A school administrator is an educational leader who promotes the success of all students by understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context.

1) Knowledge Indicator - The administrator has knowledge and understanding of:

- A) principles of representative governance that undergird the system of American schools.
- B) the role of public education in developing and renewing a democratic society and an economically productive nation.
- C) the law as related to education.
- D) the political, social, cultural, and economic systems and processes.
- E) models and strategies of change and conflict resolution as applied to the larger political, social, cultural, and economic contexts of schooling.
- F) global issues and forces affecting teaching and learning.
- G) the dynamics of policy development and advocacy under our democratic political system.

2) Performance Indicator - The administrator facilitates processes



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

and engages in activities ensuring that:

- A) communication occurs within the school community concerning trends, issues, and potential changes in the environment in which schools operate.
- B) there is ongoing dialogue with and between representatives of diverse community groups.
- C) the school community works within the framework of policies, laws, and regulations enacted by local, State, and federal authorities.
- D) public policy is shaped to provide quality education for students.
- E) lines of communication are developed with decision-makers outside the school community.

**Section 29.110 Chief School Business Official**

Each candidate for the chief school business official's endorsement shall be required to meet the standards set forth in this Section in addition to those set forth in Section 29.100 of this Part.

- a) Educational Foundations of Schools - The competent chief school business official is knowledgeable about the educational foundations of schools.
  - 1) Knowledge Indicators - The competent chief school business official:
    - A) is knowledgeable about the historic foundations of education as they relate to the development of public, tax-supported schools.
    - B) understands the development and funding of private schools.
    - C) comprehends legislative Acts guaranteeing the right of an education to all people.
  - 2) Performance Indicator - The competent chief school business official analyzes and supports the school's responsibility for the academic, cultural, physical, emotional, and social development of the student.
- b) Organization and Administration - The competent chief school business official understands and demonstrates various organizational leadership models.
  - 1) Knowledge Indicator - The competent chief school business official understands various organizational leadership models.
  - 2) Performance Indicators - The competent chief school business official:
    - A) utilizes methods of assigning personnel and resources to accomplish specific goals and objectives.
    - B) uses scheduling techniques to coordinate tasks to maximize personnel and resource use.
    - C) exhibits skills in identifying problems, securing relevant information, and recognizing possible causes of conflict.
    - D) exhibits skills in questioning techniques, fact finding,

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- E) categorizing information, and retention of relevant data.
  - collects, analyzes, and evaluates various types of information to generate alternate solutions, proper decisions, possible consequences, and contingency plans.
- c) Public Policy and Intergovernmental Relations - The competent chief school business official understands and applies theories of public policy and intergovernmental relations.
  - 1) Knowledge Indicators - The competent chief school business official:
    - A) understands how to interpret and apply the policies and roles of local boards of education, State boards of education, State legislatures, and the federal government.
    - B) comprehends the role of special interest groups (within a school district) and their ability to influence those who approve district policy.
  - 2) Performance Indicator - The competent chief school business official analyzes and synthesizes the political and legislative processes of the following entities: local school boards, municipal governments, state legislatures, and other local governmental jurisdictions.
- d) Legal Aspects - The competent chief school business official understands and applies the legal aspects of educational leadership.
  - 1) Knowledge Indicators - The competent chief school business official:
    - A) understands the State and federal constitutional rights that apply to individuals within the public education system.
    - B) understands appropriate statutory and constitutional authority regarding the general administration of public schools.
  - 2) Performance Indicator - The competent chief school business official analyzes and implements significant statutory and case law relative to a number of management fields, including financial resource, human resource, facility and property, information, and ancillary services (including subcontracting).
- e) Principles of School Finance - The competent chief school business official understands and demonstrates the principles of school finance.
  - 1) Knowledge Indicator - The competent chief school business official comprehends the principles of school finance.
  - 2) Performance Indicators - The competent chief school business official:
    - A) identifies and analyzes the major sources of revenue for public schools at the local, State, and federal levels.
    - B) applies various techniques for estimating and identifying the expenditures for a public school district in terms of cost centers and programs within each district.
    - C) identifies and examines the significant sources of State and local revenue and projects the impact on the school district

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

of increases or decreases in these sources.  
D) recognizes significant social, demographic, and economic changes.

f) Budgeting and Financial Planning - The competent chief school business official understands and applies the various approaches to public school budgeting.

- 1) Knowledge Indicator - The competent chief school business official understands the principles of public school budgeting.
- 2) Performance Indicators - The competent chief school business official:

- A) prepares a budget calendar to meet the time constraints of budget preparation.
- B) analyzes the various approaches to enrollment and personnel projections.
- C) forecasts anticipated revenue by source.
- D) forecasts anticipated expenditures by program.
- E) identifies various methods for budget analysis and management.

- F) applies statistical process control techniques for budgetary analysis.
- G) applies the legal requirements for budget adoption.
- H) prepares a school institution budget based on hypothetical data.

- I) prepares revenue projections and estimates of expenditures using appropriate and varied techniques.
- J) identifies and interprets internal and external influences on the budget.

g) Accounting, Auditing, and Financial Reporting - The competent chief school business official understands and demonstrates the principles of accounting, auditing, and financial reporting.

- 1) Knowledge Indicators - The competent chief school business official:

- A) understands how to present fairly and with full disclosure the financial position and results of financial operations of the funds and account groups of the school district in compliance with generally accepted accounting principles.
- B) understands the use and role of an internal auditor.

- 2) Performance Indicators - The competent chief school business official:

- A) prepares appropriate interim and annual financial statements and reports of financial position and operating results.

- B) prepares revenues and expenditures by fund (using the appropriate State chart of accounts, electronic data processing, etc.).

- C) facilitates management's control of all financial operations and funds using appropriate technology.

- D) establishes and verifies compliance with finance-related legal and contractual provisions.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- E) develops and maintains all fixed assets in a General Fixed Asset Account Group.

- F) communicates how the budget and available resources of the school district support the institution's program.

- G) analyzes both monthly and annual financial statements and reports.

- H) develops specifications for the employment of an independent auditor.

- I) applies the appropriate bases of accounting (modified accrual basis of accounting, accrual basis of accounting, or cash basis of accounting) in measuring financial position and operating results.

- h) Cash Management, Investments, and Debt Management - The competent chief school business official understands and implements cash management, investment, and debt management procedures.

- 1) Knowledge Indicators - The competent chief school business official:

- A) understands how to develop specifications for the selection of banking services and the concept of compensating balances.

- B) comprehends procedures and legal constraints for cash collection and disbursements.

- C) understands the risks and calculates the yields on various investment options available to a school district.

- 2) Performance Indicators - The competent chief school business official:

- A) applies various methods of cash forecasting.

- B) uses the appropriate types of short-term financing instruments available to school districts.

- C) analyzes the legal constraints and methods of issuing long-term general obligation bonds, including the bond rating process and the role of rating services.

- D) prepares a cash flow analysis for a hypothetical school district.

- E) implements the concept of appropriate fund balance management.

- i) Personnel and Benefits Administration - The competent chief school business official understands and implements human resource management procedures for non-instructional personnel.

- 1) Knowledge Indicator - The competent chief school business official understands factors involved in formulating policies and procedures related to the management of non-instructional personnel.

- 2) Performance Indicators - The competent chief school business official:

- A) demonstrates appropriate skills related to the recruitment, selection, orientation, evaluation, and assignment of non-instructional personnel, including the creation of job



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

descriptions.

- B) analyzes and demonstrates procedures for bidding, selecting, evaluating, and managing fringe benefit programs.
- C) applies the legal procedures for the recruitment, selection, orientation, assignment, and termination of non-instructional personnel.
- D) leads subordinates in understanding the expectations for the implementation of all board policies, as well as State and federal laws related to personnel.

E) analyzes the legal requirements and tax consequences of fringe benefit programs, using federal and State codes.

- j) Staff Development - The competent chief school business official understands and implements staff development procedures for non-instructional personnel.

1) Knowledge Indicators - The competent chief school business official:

- A) identifies staff development priorities.
- B) identifies models for the program and completes cost analysis of staff development programs.
- C) identifies appropriate procedures for the management of staff development programs.

2) Performance Indicators - The competent chief school business official:

- A) incorporates the major components of adult learning into the creation of an effective, sequential process for staff development.

B) applies the appropriate skills for the administration of a comprehensive staff development program for non-instructional staff.

- k) Labor Relations/Collective Bargaining - The competent chief school business official understands and addresses labor relations/collective bargaining issues.

1) Knowledge Indicator - The competent chief school business official comprehends labor relations/collective bargaining issues.

2) Performance Indicators - The competent chief school business official:

- A) analyzes board of education policies and State statutes regarding collective negotiations.

B) applies appropriate procedures for the development of the board of education's negotiation team and strategies for conducting negotiation sessions.

C) applies appropriate procedures for improving the relationships between management and district employees.

D) develops salary schedules and fringe benefit packages.

E) analyzes models for assessing the costs of salary and fringe benefit proposals.

1) Planning and Construction - The competent chief school business

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

official understands and implements appropriate facility planning and construction procedures.

1) Knowledge Indicators - The competent chief school business official:

A) identifies the steps and procedures necessary to develop a strategic plan for facilities.

B) understands funding sources and issues related to school construction, including bond ratings, the rating process, and bond election processes.

2) Performance Indicators - The competent chief school business official:

A) develops appropriate procedures for selecting and using the professional services of architects, engineers, risk managers, construction managers, general contractors, and other professionals and understands their roles and responsibilities.

B) applies protocols and procedures involved in developing and using educational specifications.

C) applies protocols and procedures for selecting school sites.

D) analyzes the legal and administrative responsibilities of advertising, awarding, and managing construction contracts and knows how to respond to contractor bankruptcy, product failure, and poor workmanship.

E) evaluates the research, current practices, and issues regarding the impact of energy, safety, and environmental factors.

F) analyzes the legal context within which school facilities are planned, constructed, and operated and the various federal and State agencies and their roles in the process.

G) plans for facilities-related needs: prepares population projections; develops educational specifications; analyzes amortization of bond issues; evaluates buildings; etc.

m) Maintenance and Operations - The competent chief school business official understands and implements appropriate maintenance and operations procedures.

1) Knowledge Indicators - The competent chief school business official:

A) understands protocol and procedures required to keep schools clean and safe through routine custodial services and preventive and remedial maintenance.

B) understands protocol and procedures required to manage energy consumption efficiently and effectively and secure energy grants.

2) Performance Indicators - The competent chief school business official:

A) computes custodial allocations, determines energy budgets for school centers, and develops manpower plans for maintenance divisions of simulated or actual school



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- districts.
- B) creates and uses simulations of maintenance and operation functions that permit decisions related to resource allocation.
- n) Purchasing - The competent chief school business official understands and implements appropriate purchasing procedures.
- 1) Knowledge Indicator - The competent chief school business official understands appropriate purchasing procedures.
  - 2) Performance Indicators - The competent chief school business official:
    - A) applies generally accepted accounting principles and procedures in the bidding and purchasing processes.
    - B) incorporates legal and ethical considerations in the bidding and purchasing processes.
    - C) utilizes computerized management systems for tracking requisitions, purchase orders, deliveries, invoices, payments, and the status of the budget.
- o) Supply and Fixed Asset Management - The competent chief school business official understands and implements appropriate supply and fixed asset management procedures.
- 1) Knowledge Indicator - The competent chief school business official comprehends appropriate supply and fixed asset management procedures.
  - 2) Performance Indicators - The competent chief school business official:
    - A) manages and controls inventories.
    - B) plans and implements a program for the maintenance and repair of equipment.
    - C) provides, produces, and uses the financial analysis of life cycle costs and quality control methods.
    - D) applies the proper procedures relating to the legal evaluation and disposal of surplus property.
    - E) utilizes amortization techniques pertaining to the purchase of new and/or replacement capital equipment.
- p) Real Estate Management - The competent chief school business official understands and implements appropriate real estate management procedures.
- 1) Knowledge Indicator - The competent chief school business official understands appropriate real estate management procedures.
  - 2) Performance Indicators - The competent chief school business official:
    - A) applies legal procedures in acquiring and disposing of land, buildings, and equipment.
    - B) collaborates with other governmental agencies regarding zoning issues, long-range land use planning, and the impact of commercial and residential development on schools.
    - C) applies proper real estate management policies, procedures,

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- and practices.
- D) utilizes a computer program or service to manage the fixed assets of a simulated or actual educational institution.
- q) Strategic Planning - The competent chief school business official understands and implements strategic planning procedures.
- 1) Knowledge Indicator - The competent chief school business official understands strategic planning procedures.
  - 2) Performance Indicators - The competent chief school business official:
    - A) facilitates administrative and employee teams in the identification of short- and long-term goals in all aspects of school district activities.
    - B) develops a strategic plan that will move the district toward achievement of its mission and goals.
- r) Program Evaluation - The competent chief school business official understands and implements appropriate program evaluation procedures for non-instructional programs.
- 1) Knowledge Indicators - The competent chief school business official:
    - A) understands the components and skills needed to evaluate programs and business services.
    - B) identifies various economic and cost factors inherent in program evaluation.
  - 2) Performance Indicators - The competent chief school business official:
    - A) develops a procedure for the systematic evaluation of non-instructional programs.
    - B) analyzes and develops alternative methods of measuring program outcomes.
- s) Communications - The competent chief school business official understands and demonstrates communications procedures.
- 1) Knowledge Indicator - The competent chief school business official comprehends effective communication strategies and techniques related to mass and interactive communications (oral, aural, written, and nonverbal).
  - 2) Performance Indicators - The competent chief school business official:
    - A) articulates ideas clearly, concisely, and effectively.
    - B) develops a plan for a positive school-community relations program for the business office.
    - C) develops procedures for the management of public information programs and departments that relate to business services.
- t) Management Information Systems - The competent chief school business official understands and utilizes management information systems.
- 1) Knowledge Indicator - The competent chief school business official understands the functions of management information systems.
  - 2) Performance Indicators - The competent chief school business

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

official:

- A) applies current technology in regard to the storage, analysis, and communication of data.
- B) evaluates the benefits of producing information in relation to costs.
- C) develops a records management system, using appropriate technology, that complies with all legal requirements.
- D) develops a long-range technology plan for a school district.
- E) evaluates computer hardware and software for use in the school business office.

u) Risk Management - The competent chief school business official understands and implements risk management procedures.

- 1) Knowledge Indicators - The competent chief school business official:
  - A) comprehends the common types of insurance protection needed.
  - B) understands federal and State statutes regarding liability limits and bond requirements.

2) Performance Indicators - The competent chief school business official:

- A) develops policies and procedures regarding safety programs for both students and employees.
- B) identifies models for evaluating the risk management program of a school district.

C) provides education on risk management issues to school district personnel.

v) Transportation - The competent chief school business official understands and implements transportation procedures.

- 1) Knowledge Indicators - The competent chief school business official understands the appropriate transportation procedures needed to ensure the safe transport of children.

2) Performance Indicators - The competent chief school business official:

- A) analyzes the various methods of providing transportation for students and identifies the most efficient method for a given district.

B) develops transportation routes and schedules and programs for the selection and training of staff.

C) applies appropriate management principles in the maintenance and operation of a district's transportation program to ensure the safe transportation of students.

w) Food Service - The competent chief school business official understands and implements food service procedures.

- 1) Knowledge Indicators - The competent chief school business official:

- A) understands a system for high-quality food production, operation, and service.

- B) comprehends the financial aspects of school food service (federal, State, and local).

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

2) Performance Indicators - The competent chief school business official:

- A) applies State and federal guidelines regarding free and/or reduced-price meal subsidies and qualifications for participation.

- B) interacts with representatives of nutritional and regulatory agencies in planning, conducting, and reporting on food service programs.

x) Health and Safety - The competent chief school business official understands and implements health and safety procedures.

- 1) Knowledge Indicators - The competent chief school business official:

- A) comprehends the components of a health and safety program and establishes policies and administrative procedures for students, employees, and the community that comply with federal and State regulations.

- B) understands federal laws regarding asbestos abatement, radon gas, lead contaminants, and other potentially hazardous substances.

2) Performance Indicators - The competent chief school business official:

- A) facilitates training for employees that will enable them to be more cognizant of dangerous environmental factors.

- B) develops and implements a process for assessing potential safety hazards in school buildings and on school grounds.

- C) prepares a school district disaster preparedness and recovery plan.

- D) develops and implements district policies regarding students and staff infected with contagious diseases.

## Section 29.120 Principal

Each candidate for the principal's endorsement shall be required to meet the standards set forth in this Section in addition to those set forth in Section 29.100 of this Part.

a) Facilitating a Vision of Learning - The competent school administrator is an educational leader who promotes the success of all students by facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community.

1) Knowledge Indicators - The competent principal:

- A) has knowledge and understanding of learning goals in a pluralistic society.

- B) comprehends the principles of developing and implementing long-term plans.

- C) recognizes theories of educational leadership.

- D) understands information sources, data collection, and data analysis strategies.



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- E) understands effective communication.
- F) understands effective consensus-building and negotiation skills.
- G) has knowledge of the philosophy and history of education.
- 2) Performance Indicators - The competent principal:
- A) designs curricula with consideration for philosophical, sociological, and historical foundations, democratic values, and the community's values, goals, social needs, and changing conditions.
- B) facilitates the development and implementation of a shared vision and strategic plan for the school or district that focuses on teaching and learning.
- C) analyzes, evaluates, and monitors operational plans and processes to accomplish strategic goals using practical applications of organizational theories.
- D) solicits and uses financial, human, and material resources to support the implementation of the school's mission and goals.
- E) identifies and critiques several theories of leadership and their application to various school environments.
- F) conducts needs assessments and uses qualitative and quantitative data to plan and assess school programs.
- G) analyzes and interprets educational data, issues and trends.
- H) uses appropriate interpersonal skills and applies appropriate and effective communications strategies when using written, verbal, and nonverbal communication.
- I) engages in effective consensus-building and displays effective negotiation skills.
- J) frames, analyzes, and resolves problems using appropriate problem-solving techniques and decision-making skills.
- K) analyzes school problems with an understanding of major historical, philosophical, ethical, social, and economic influences in a democratic society.
- b) School Culture and Instructional Program - The competent school administrator is an educational leader who promotes the success of all students by advocating, nurturing, and sustaining a school culture and instructional program conducive to students' learning and staff's professional growth.
- 1) Knowledge Indicators - The competent principal:
- A) has knowledge and understanding of school cultures.
- B) understands the continuum of students' growth and development.
- C) knows the procedures used in the assessment of the learning environment.
- D) understands applied learning theories.
- E) understands curriculum design, implementation, evaluation, and refinement.
- F) recognizes the components of a special education evaluation.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- G) understands principles of effective instruction and best practices.
- H) comprehends measurement, evaluation, and assessment strategies.
- I) understands diversity and its meaning for educational programs.
- J) is familiar with adult learning and professional development models.
- K) understands the change process for systems, organizations, and individuals.
- L) recognizes the role of technology in promoting students' learning and professionals' growth.
- M) understands classroom management.
- 2) Performance Indicators - The competent principal:
- A) creates with teachers, parents, and students a positive school culture that promotes learning.
- B) promotes an inclusive educational culture.
- C) articulates the district's or school's vision, mission, and priorities to the community and media.
- D) builds community support for a district's or school's priorities and programs.
- E) promotes an environment where all individuals are treated with fairness, dignity, and respect.
- F) develops a culture of high expectations for self, students, and staff's performance where accomplishments are recognized.
- G) applies the principles of students' growth and development to the learning environment and the educational program.
- H) utilizes procedures in the assessment of the learning environment.
- I) develops collaboratively a learning organization that supports instructional improvement, builds an appropriate curriculum, and incorporates best practice.
- J) develops collaboratively curriculum and developmentally appropriate instruction for varied teaching and learning styles as well as specific needs of students, considering gender, ethnicity, culture, social class, and exceptionalities.
- K) analyzes various staffing patterns, student grouping plans, class scheduling forms, and school organizational structures and facilitates design processes to support various teaching strategies and desired outcomes for students.
- L) assesses students' progress using a variety of appropriate techniques.
- M) bases curricular decisions on research, applied theory, informed practice, the recommendations of learned societies, and State and federal policies and mandates.
- N) aligns curricular goals and objectives with State learning

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- standards.
- O) facilitates the design, implementation, and evaluation of curricular, co-curricular, and extracurricular programs for continuous improvement.
  - P) uses resources to support instructional programs and best practices and incorporates a variety of supervisory models to improve teaching and learning.
  - Q) uses qualitative and quantitative data to plan and assess school programs.
  - R) promotes an inclusive educational culture.
  - S) identifies needs for professional development and incorporates adult learning strategies and assessment in the formulation of self-development plans for staff.
  - T) facilitates the change process for systems, organizations, and individuals by using qualitative and quantitative data to plan and assess school programs.
  - U) studies best practices, relevant research, and demographic data to analyze their implications for school improvement.
  - V) develops, analyzes and implements operational plans and processes to accomplish strategic goals using practical applications of organizational theories.
  - W) applies a systems perspective and monitors and assesses the progress of activities, making adjustments and formulating new action steps as necessary.
  - X) uses technology, telecommunications, and information systems to enrich curriculum and instruction.
  - Y) develops and implements long-range plans for school and district technology information systems.
  - Z) uses a variety of supervisory models to improve teaching and learning.
  - AA) uses and implements collaboratively developed policies and procedures that provide a safe school environment and promote health and welfare.
- c) Management - The competent school administrator is an educational leader who promotes the success of all students by ensuring management of the organization, operations, and resources for a safe, efficient, and effective learning environment.
- 1) Knowledge Indicators - The competent principal:
    - A) understands theories and models of organizations and the principles of organizational development.
    - B) is aware of local operational policies and procedures.
    - C) understands principles and issues relating to school safety and security.
    - D) has knowledge of management and development of human resources.
    - E) comprehends principles and issues relating to fiscal considerations in school management.
    - F) understands principles and issues relating to school

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- facilities and use of space.
- G) recognizes legal issues relating to school operations.
  - H) has knowledge of current technologies that support management's functions.
- 2) Performance Indicators - The competent principal:
- A) applies theories to create conditions that motivate staff, students, and families to achieve the school's vision.
  - B) analyzes a school's problems with an understanding of major historical, philosophical, ethical, social, and economic influences in a democratic society.
  - C) applies effective job-analysis procedures, supervisory techniques, and performance appraisal for instructional and non-instructional staff.
  - D) utilizes appropriate policies, criteria, and processes for the recruitment, selection, induction, compensation, and separation of personnel, with attention to issues of equity, diversity, and exceptionalities.
  - E) develops and implements an efficient building-level budget planning process that is driven by school priorities.
  - F) understands federal, State and local statutory and regulatory provisions and judicial decisions governing education.
  - G) applies common legal and contractual requirements and procedures in an educational setting.
  - H) applies and assesses current technologies for school management and business procedures.
- d) Collaboration with Families and Communities - The competent school administrator is an educational leader who promotes the success of all students by collaborating with families and community members, responding to diverse community interests and needs and mobilizing community resources.
- 1) Knowledge Indicators - The competent principal:
    - A) recognizes emerging issues and trends that potentially affect the school community.
    - B) comprehends parents' rights, including the right to an independent evaluation and the use of that evaluation by the student's IEP team.
    - C) understands the conditions and dynamics of the diverse school community.
    - D) has knowledge of community resources.
    - E) understands community relations and marketing strategies and processes.
    - F) is aware of successful models of school, family, business, community, government, and higher education partnerships.
- 2) Performance Indicators - The competent principal:
- A) assesses emerging issues and trends to determine their impact on the school community.
  - B) engages in activities that address parents' rights,



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

including the right to an independent evaluation and the use of that evaluation by the student's IEP team.

- C) analyzes community and district power structures and identifies major opinion leaders and their relationships to school goals and programs.
- D) identifies and analyzes the major sources of fiscal and non-fiscal resources for schools.
- E) develops and implements an effective staff communication plan and public relations program.
- F) articulates the district's or school's vision, mission, and priorities to the community and media and understands how to build community support for the district's or school's priorities and programs.
- e) Acting with Integrity, Fairness, and in an Ethical Manner - The competent administrator is an educational leader who promotes the success of all students by acting with integrity, fairness, and in an ethical manner.

1) Knowledge Indicators - The competent principal:

- A) understands the purpose of education and the role of leadership in modern society.
- B) recognizes various ethical frameworks and perspectives on ethics.
- C) understands the values and challenges of the diverse school community.
- D) is aware of professional codes of ethics.

2) Performance Indicators - The competent principal:

- A) analyzes a school's problems with an understanding of major historical, philosophical, ethical, social, and economic influences in a democratic society.
- B) manifests a professional code of ethics and values.
- C) bases decisions on the moral and ethical implications of policy options and political strategies.
- D) promotes the values and challenges of the diverse school community.
- E) communicates effectively with various cultural, ethnic, racial, and special interest groups and other diverse populations in the community.
- F) treats people fairly, equitably and with dignity and respect and protects the rights and confidentiality of others.
- G) encourages others in the school community to demonstrate integrity and exercise ethical behavior.

- f) The Political, Social, Economic, Legal and Cultural Context - The competent school administrator is an educational leader who promotes the success of all students by understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context.

1) Knowledge Indicators - The competent principal:

- A) comprehends principles of representative governance that

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

undergird the system of American schools.

B) recognizes the role of public education in developing and renewing a democratic society and an economically productive nation.

- C) understands the law as related to education.
- D) understands State and federal requirements regarding the least restrictive environment (including placement based on the student's Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP)) for students from birth through 21 years of age.
- E) has knowledge of the political, social, cultural, and economic systems and processes.
- F) understands models and strategies of change and conflict resolution as applied to the larger political, social, cultural, and economic contexts of schooling.
- G) knows about global issues and forces affecting teaching and learning.
- H) recognizes the dynamics of policy development and advocacy under our democratic political system.
- I) understands federal, State and local statutory and regulatory provisions as well as judicial decisions governing education.

2) Performance Indicators - The competent principal:

- A) considers the general characteristics of internal and external political systems as they apply to school settings.
- B) influences policy development at the federal, State, district, and school-site level.
- C) applies knowledge of common legal and contractual requirements and procedures in an educational setting.
- D) analyzes appropriate procedures and relationships for working with local governing boards.
- E) develops lines of communication with decision makers outside the school community.
- F) frames, analyzes, and resolves problems using models and strategies of change and conflict resolution as applied to the larger political, social, cultural, and economic contexts of schooling.
- G) bases decisions on the moral and ethical implications of policy options and political strategies.

Section 29.130 Superintendent

Each candidate for the superintendent's endorsement shall be required to meet the standards set forth in this Section in addition to those set forth in Section 29.100 of this Part.

- a) Facilitating a Vision of Educational Excellence - The competent school superintendent is an educational leader who promotes the success of all students by facilitating the development, articulation,

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

implementation, and stewardship of a vision of educational excellence that is shared and supported by the school community.

1) Knowledge Indicators - The competent superintendent:

- A) understands the needs of different groups in a pluralistic society.
- B) understands theories and methodologies of teaching and learning.
- C) understands the principles of developing, implementing, and evaluating long-term plans.
- D) understands theories of and research on organizational and educational leadership.
- E) understands information sources, data collection, and data analysis strategies.
- F) understands appropriate channels and media for communicating plans, ideas, and goals to the board of education, staff, parents, students, and the community.
- G) understands effective consensus-building and negotiation skills.
- H) understands the historical, moral, philosophical, and political traditions of education in the USA and other countries.
- I) understands systems and theories of educational assessment and evaluation.
- J) understands human and financial resources needed to implement and support the realization of the district's vision, mission, and goals.

2) Performance Indicators - The competent superintendent:

- A) facilitates and engages in activities that promote the success of all students by understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context.
- B) facilitates and engages in activities that promote appropriate academic rigor and excellence for all students and staff.
- C) facilitates and engages in activities that support a nurturing and high-performing culture and climate through the use of symbols, ceremonies, stories, and similar activities reflecting the diversity of the school community.
- D) facilitates and engages in activities that collaboratively develop vision and goals among teachers, support staff, students, administrators, board members, parents, and community members.
- E) facilitates and engages in activities that articulate and model core beliefs of the school district and effectively communicates and takes actions to achieve the district's vision, mission, and goals.
- F) facilitates and engages in activities that form and implement educational programs, policies, plans, and actions

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

to realize the district's vision, mission, and goals.

- G) facilitates and engages in activities that form and implement vision, mission, and goals that shape purpose and direction for individuals and groups.

- H) facilitates and engages in activities that affect the collection, organization and analysis of a variety of information, including data on student performance, to assess progress toward the district's vision, mission, and goals.

- I) facilitates and engages in activities that develop an implementation plan in which objectives and strategies to achieve the district's vision, mission, and goals are clearly articulated and linked to students' learning.

- J) facilitates and engages in activities that identify, clarify, and address barriers to achieving the vision, mission, and goals.

- K) facilitates and engages in activities that obtain and organize financial, human, and material resources to realize the district's vision, mission, and goals.

- L) facilitates and engages in activities that monitor, evaluate, and revise the district's vision, mission, goals, and implementation plans regularly.

- b) Learning Environment and Instructional Program - The competent school superintendent is an educational leader who promotes the success of all students by advocating and nurturing a constantly improving learning environment and an instructional program based upon educationally sound principles of curriculum development, learning and teaching theory, and professional development.

1) Knowledge Indicators - The competent superintendent:

- A) understands the principles of human growth and development and their application to the school environment and instructional program.
- B) understands the concept of school climate as it applies to students' and staff's performance.
- C) understands the educational change process.
- D) understands a variety of educational research methodologies and their comparable strengths and weaknesses.
- E) understands cognition and learning theories and their relationship to instruction.
- F) understands technology applications for administrators, staff, and students that enhance the learning and instructional program.
- G) understands a variety of methods for assessing and evaluating students' performance.
- H) understands professional development models and adult learning theory.

2) Performance Indicators - The competent superintendent:

- A) facilitates and engages in activities that develop a climate



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

that is supportive of continuous improvement of the instructional program.

- B) facilitates and engages in activities that apply the principles of human growth and development.
- C) facilitates and engages in activities that systematically design and implement procedures and instruments for evaluating the instructional program.
- D) facilitates and engages in activities that systematically support staff development to enhance the learning environment and the instructional program.
- E) facilitates and engages in activities that use best practices and sound educational research to inform changes in instructional practices and curricular materials.
- F) facilitates and engages in activities that promote reflective practices among administrators, teachers, and staff.
- G) facilitates and engages in activities that promote an environment that encourages responsible risk-taking.
- H) facilitates and engages in activities that provide a climate in which treatment of all individuals with respect, dignity, and fairness is valued.
- I) facilitates and engages in activities that promote the appropriate use of technology to enhance students' learning and professionals' growth.
- J) facilitates and engages in activities that promote high expectations for self, staff, and students.
- K) facilitates and engages in activities that deal with the ambiguity and uncertainty that accompanies the change process.
- L) facilitates and engages in activities that result in systematic assessment of and response to individual students' academic performance, reporting on that performance, and evaluation of the instructional program.
- M) facilitates and engages in activities that connect educational standards to the instructional program.
- N) facilitates and engages in activities that coordinate district staff and outside agencies in determining and enforcing educational standards.
- O) facilitates and engages in activities that foster lifelong learning.

c) Management - The competent school superintendent is an educational leader who promotes the success of all students by ensuring management of the organization, operations, and resources for a safe, efficient, and effective learning environment.

1) Knowledge Indicators - The competent superintendent:

- A) has knowledge and understanding of a variety of practices and models for the management of the school district as an organizational system.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- B) has knowledge and understanding of principles of human resource management and development to maximize the effectiveness of all constituents of the school district.
- C) has knowledge and understanding of practices, policies, and procedures for operating and maintaining the school district's facilities, equipment, and auxiliary services.
- D) has knowledge and understanding of principles of financial planning and management for efficient fiscal operation in support of the school district's vision, mission, and goals.
- E) has knowledge and understanding of school districts' operational policies and procedures that enhance student learning.
- F) has knowledge and understanding of practices and procedures to ensure safe and secure schools for students, parents, staff, and community members.
- G) has knowledge and understanding of practices and procedures to ensure that school districts' management functions are supported by current technologies.

2) Performance Indicators - The competent superintendent:

- A) facilitates and engages in activities that use core organizational processes (including planning, communication, decision making, problem solving, and information management) for operational effectiveness and organizational development.
- B) facilitates and engages in activities that empower all constituents of the school district (e.g., staff, students, and parents) as leaders to support change efforts through the use of delegation, collaboration, and collegial strategies.
- C) facilitates and engages in activities that employ supervisory and performance appraisal techniques to enhance and develop the knowledge and skills of instructional and non-instructional staff.
- D) facilitates and engages in activities that support and facilitate professional development activities for all constituents of the school district, focusing on the improvement of teaching and learning outcomes.
- E) facilitates and engages in activities that use core human resource processes (including recruitment, selection, induction, and negotiation) to support an effective learning environment.
- F) facilitates and engages in activities that ensure the physical plant is accessible, well maintained, functional, secure, and conducive to the support of the full range of the school district's curricular and extracurricular programs.
- G) facilitates and engages in activities that provide efficient delivery of core auxiliary services (including health and

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

nutrition, pupil transportation, risk management, and school security).

- H) facilitates and engages in activities that identify financial and material assets and resources and acquire them for subsequent allocation according to the school district's goals and goal priorities.
  - I) facilitates and engages in activities that maximize fiscal resources through core financial management processes (including planning, budgeting, procurement, accounting, and monitoring).
  - J) facilitates and engages in activities that create operational plans and procedures in support of school district's vision, mission, and goals.
  - K) facilitates and engages in activities that use organizational monitoring systems to ensure policy implementation.
  - L) facilitates and engages in activities that use management techniques to define roles, assign functions, and delegate accountability relative to achieving goals.
  - M) facilitates and engages in activities that operate school plant, equipment, and support systems securely, safely, efficiently, and effectively.
  - N) facilitates and engages in activities that maintain secure, safe, clean, and esthetically pleasing school environments that foster student learning.
  - O) facilitates and engages in activities that identify management functions that can be improved using technology.
  - P) facilitates and engages in activities that provide ongoing training and review to ensure the productive and efficient use of technology in school district management.
- d) Collaboration with Families and Communities - The competent school superintendent is an educational leader who promotes the success of all students by collaborating with families and community members, responding to diverse community interests and needs and mobilizing community resources.
- 1) Knowledge Indicators - The competent superintendent:
    - A) has knowledge and understanding of the multiple stakeholders' groups that comprise the school community, which includes but is not limited to parents, religious groups, business and industry, service organizations, local and county government, students, other taxpayers, and employees of organizations within the community.
    - B) has knowledge and understanding of the conditions and dynamics of the racial, ethnic, linguistic, religious, and socio-economic diversity of the community.
    - C) has knowledge and understanding of community resources that provide services that support the vision, mission, and goals of the school district.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- D) has knowledge and understanding of school-community relations and marketing strategies and processes.
  - E) has knowledge and understanding of emerging issues and trends that potentially affect the school community and the mission of the school.
  - F) has knowledge and understanding of successful models of partnerships between district schools and families, businesses, community groups, government agencies, and higher education.
  - G) has knowledge and understanding of the political nature of schools and how the political system operates.
- 2) Performance Indicators - The competent superintendent:
- A) facilitates and engages in activities that clearly articulate the district's vision, mission, and goals to multiple stakeholders.
  - B) facilitates and engages in activities that use political structures and skills to build community support for the district's priorities.
  - C) facilitates and engages in activities that provide effective communication with individuals and organizations throughout the community.
  - D) facilitates and engages in activities that inform the district's decision making by collecting and organizing a variety of formal and informal information from multiple stakeholders.
  - E) facilitates and engages in activities that provide communications from the district that are written and spoken clearly and forcefully.
  - F) facilitates and engages in activities that demonstrate formal and informal listening skills.
  - G) facilitates and engages in activities that demonstrate group leadership skills.
  - H) facilitates and engages in activities that identify and consider various political interests within the community environment in the district's decision making.
  - I) facilitates and engages in activities that educate the community about school funding and referenda.
  - J) facilitates and engages in activities that mediate conflict between the district and various stakeholders.
  - K) facilitates and engages in activities that involve the school organization and community in school improvement efforts.
  - L) facilitates and engages in activities that demonstrate the ability to build consensus.
  - M) facilitates and engages in activities that foster educational partnerships with a variety of persons and organizations to promote delivery of educational opportunities.



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

e) Knowledge of Laws, Regulations and Professional Ethics - The competent school superintendent is an educational leader who promotes the success of all students by understanding and applying knowledge of laws, regulations, and professional ethics related to schools and children.

1) Knowledge Indicators - The competent superintendent:

- A) has knowledge and understanding of current legal, regulatory, and ethical issues affecting education.
  - B) has knowledge and understanding of the legal rights and responsibilities of students, staff, and parents/guardians.
  - C) has knowledge and understanding of federal and State education laws and regulations.
  - D) has knowledge and understanding of the legal aspects of school administration.
  - E) has knowledge and understanding of the system of public school governance in Illinois.
  - F) has knowledge and understanding of the responsibilities and functions of school committees and boards.
  - G) has knowledge and understanding of procedures for formulating and implementing board policies and operating procedures.
  - H) has knowledge and understanding of the moral and ethical responsibilities of schools and members of the school community.
  - I) has knowledge and understanding of how to establish and implement policies that promote ethical behavior and high professional standards through collaboration with stakeholders.
  - J) has knowledge and understanding of how the Illinois and U.S. Constitutions, a district's policies, and laws (statutory, common, and case) regulate the behavior of students, staff, and administrators in the schools.
  - K) has knowledge and understanding of the role of public education in developing and renewing a democratic society and an economically productive nation.
  - L) has knowledge and understanding of models and strategies of change and conflict resolution as applied to schools.
- 2) Performance Indicators - The competent superintendent:
- A) facilitates and engages in activities that ensure an ongoing dialogue with and among representatives of diverse community groups.
  - B) facilitates and engages in activities that lead the school community to operate within the framework of policies, laws, and regulations enacted by local, State, and federal authorities and professional ethical standards.
  - C) facilitates and engages in activities that foster a board/superintendent working relationship that promotes and actualizes the district's vision, missions, and goals.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- D) facilitates and engages in activities that shape public policy to provide high-quality education for students.
- E) facilitates and engages in activities that provide clear distinctions between board policies and operating procedures.
- F) facilitates and engages in activities that base decisions on the legal, moral, and ethical implications of policy options and political strategies.
- G) facilitates and engages in activities that create a collaborative relationship with staff to implement policies to promote behavior and professional practices consistent with high ethical standards.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Standards for Certification in Early Childhood Education and in Elementary Education

2) Code Citation: 23 Ill. Adm. Code 26

<u>Section Number:</u>	<u>Proposed Action:</u>
26.100	New Section
26.110	New Section
26.120	New Section
26.130	New Section
26.140	New Section
26.150	New Section
26.160	New Section
26.170	New Section
26.180	New Section
26.190	New Section
26.200	New Section
26.210	New Section
26.220	New Section
26.230	New Section
26.240	New Section
26.250	New Section
26.260	New Section
26.270	New Section
26.300	New Section
26.310	New Section
26.320	New Section
26.330	New Section
26.340	New Section
26.350	New Section
26.360	New Section
26.370	New Section
26.380	New Section
26.390	New Section
26.400	New Section
26.410	New Section
26.420	New Section
26.430	New Section
26.440	New Section
26.450	New Section
26.460	New Section
26.470	New Section

4) Statutory Authority: 105 ILCS 5/Art. 21 and 2-3.6

5) A Complete Description of the Subjects and Issues Involved: This new Part sets forth the standards that will apply to the approval of teacher preparation programs in early childhood education and in elementary

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

education as of July 1, 2003. The standards will also apply to candidates seeking certification in these fields, as the tests of subject matter knowledge they will be required to pass in order to receive initial certification will be based on these standards beginning July 1, 2004.

- 6) Will these proposed rules replace any emergency rules currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does these proposed rules contain incorporations by reference? No
- 9) Are there any other proposed rules pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
(217)782-3950  
rules@isbe.net

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:  
Not applicable

C) Types of professional skills necessary for compliance: Not applicable

13) Regulatory Agenda on which this rulemaking was summarized: July 2001

The full text of the Proposed Rules begins on the next page:



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER b: PERSONNEL

## PART 26

STANDARDS FOR CERTIFICATION IN EARLY CHILDHOOD EDUCATION AND IN  
ELEMENTARY EDUCATIONSUBPART A: STANDARDS FOR CERTIFICATION IN EARLY CHILDHOOD  
EDUCATION

## Section

26.100 Purpose and Effective Dates of Standards in Subpart A

26.110 Curriculum: General

26.120 Curriculum: English Language Arts

26.130 Curriculum: Mathematics

26.140 Curriculum: Science

26.150 Curriculum: Social Science

26.160 Curriculum: Physical Development and Health

26.170 Curriculum: Fine Arts

26.180 Human Development and Learning

26.190 Diversity

26.200 Planning for Instruction

26.210 Learning Environment

26.220 Instructional Delivery

26.230 Communication

26.240 Assessment

26.250 Collaborative Relationships

26.260 Reflection and Professional Growth

26.270 Professional Conduct and Leadership

## SUBPART B: STANDARDS FOR CERTIFICATION IN ELEMENTARY EDUCATION

## Section

26.300 Purpose and Effective Dates of Standards in Subpart B

26.310 Curriculum

26.320 Curriculum: English Language Arts

26.330 Curriculum: Mathematics

26.340 Curriculum: Science

26.350 Curriculum: Social Science

26.360 Curriculum: Physical Development and Health

26.370 Curriculum: Fine Arts

26.380 Human Development and Learning

26.390 Diversity

26.400 Planning for Instruction

26.410 Learning Environment

26.420 Instructional Delivery

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

26.430 Communication

26.440 Assessment

26.450 Collaborative Relationships

26.460 Reflection and Professional Growth

26.470 Professional Conduct and Leadership

AUTHORITY: Implementing Article 21 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21 and 2-3.6].

SOURCE: Adopted at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: STANDARDS FOR CERTIFICATION IN EARLY CHILDHOOD  
EDUCATION

## Section 26.100 Purpose and Effective Dates of Standards in Subpart A

This Subpart A establishes the standards that, together with the standards set forth in Standards for All Illinois Teachers (see 23 Ill. Adm. Code 24), shall apply to the issuance of teaching certificates in early childhood education pursuant to Article 21 of the School Code [105 ILCS 5/Art. 21]. The standards set forth in this Subpart A shall apply both to candidates for certification in early childhood education and to the programs that prepare them. That is:

- a) beginning July 1, 2003, approval of any teacher preparation program or course of study in early childhood education pursuant to the State Board's rules for Certification (23 Ill. Adm. Code 25, Subpart C) shall be based on the congruence of that program's or course's content with the standards identified in this Subpart A; and
- b) beginning July 1, 2004, the examination(s) required for issuance of a certificate in early childhood education shall be based on the standards identified in this Subpart A.

## Section 26.110 Curriculum: General

The competent early childhood teacher understands and demonstrates the central concepts, tools of inquiry, and structures of the content areas and creates and integrates meaningful learning experiences that develop children's competence across all developmental areas and content areas.

- a) Knowledge Indicators - The competent early childhood teacher:
  - 1) demonstrates current knowledge of integrated learning experiences for children from birth through grade three and understands the central concepts and tools of inquiry in each of the following content areas: language and literacy (English language arts); mathematics; science; health, safety, nutrition, and movement (physical development and health); art, music, and drama (fine arts); and social science.
  - 2) understands conceptually sound and meaningful curriculum for children from birth through grade three.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- 3) demonstrates an understanding of current research, best practice, and professional standards.
- b) Performance Indicators - The competent early childhood teacher:
  - 1) plans, implements, and evaluates integrated, conceptually sound, meaningful learning experiences for children from birth through grade three.
  - 2) structures a variety of learning experiences which reflect the standards set forth in this Subpart A.

**Section 26.120 Curriculum: English Language Arts**

The competent early childhood teacher demonstrates proficiency in the use of oral and written English; understands and communicates ideas, information, and perspectives in reading, writing, speaking, and listening; and promotes the abilities of children from birth through grade three as they apply language and thinking skills to many different genres, concepts, and situations.

- a) Knowledge Indicators - The competent early childhood teacher:
  - 1) understands vocabulary and word analysis skills that promote comprehension of meaning in a variety of contexts.
  - 2) understands various language components in literacy development: phonemes (sounds of the language); morphemes (words and meaningful parts of words); semantics (meaning); and syntax (sentence structure and parts of speech); as well as the pragmatic aspect of language (how language works in social contexts).
  - 3) demonstrates knowledge of a variety of materials for promoting literacy, including various genres and authors of children's literature, trade books (fiction and nonfiction), books designed for beginning readers, "big books", anthologies, newspapers, and magazines.
  - 4) understands a variety of age-appropriate strategies that promote reading and listening comprehension and foster development within and among the four language arts (listening, speaking, reading, and writing), including shared, guided, and interactive reading and writing.
  - 5) understands the relationships among oral language, written language, and the basic concepts of print.
  - 6) understands the appropriate use of the conventions involved in various forms of writing, such as stories, letters, journals, and poetry.
  - 7) understands skills and strategies that promote listening and speaking for various purposes, discussion and comprehension, the ability to ask and respond to questions, and the ability to understand different literary and social contexts.
  - 8) understands how to locate, organize, and use information from various sources to answer questions, solve problems, and communicate ideas.
  - 9) understands children's abilities to communicate ideas through

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- b) Performance Indicators - The competent early childhood teacher:
  - 1) uses vocabulary and word analysis skills that promote comprehension of meaning in a variety of contexts.
  - 2) promotes integration of various language components in literacy development.
  - 3) identifies, evaluates, and uses a variety of materials for promoting literacy, including various genres and authors of children's literature, trade books (fiction and nonfiction), books designed for beginning readers, "big books", anthologies, newspapers, and magazines.
  - 4) applies a variety of age-appropriate strategies that promote reading and listening comprehension and foster development within and among the four language arts, including shared, guided, and interactive reading and writing.
  - 5) assists students in developing basic concepts of print using activities based on oral and written language.
  - 6) provides opportunities for students to use writing conventions involved in various forms of writing, such as stories, letters, journals, and poetry.
  - 7) facilitates skills and strategies that promote listening and speaking for various purposes, discussion and comprehension, the ability to ask and respond to questions, and the ability to understand different literary and social contexts.
  - 8) provides opportunities for children to locate, organize, and use information from various sources to answer questions, solve problems, and communicate ideas.
  - 9) promotes children's abilities to communicate ideas through technology.

**Section 26.130 Curriculum: Mathematics**

The competent early childhood teacher demonstrates proficiency in the use of mathematics; understands and communicates the major concepts, procedures, and reasoning processes of mathematics, which include number systems, number sense, geometry, measurement, statistics, probability, and algebra; and promotes the abilities of children from birth to grade three as they apply, interpret, and construct mathematical thinking skills in a variety of situations.

- a) Knowledge Indicators - The competent early childhood teacher:
  - 1) understands problem-solving approaches that children may use to investigate and understand mathematical content.
  - 2) understands various approaches (estimation, mental math, manipulative modeling, pattern recognition, and technology) that can be used to explore and communicate mathematical ideas, solve problems, and investigate everyday situations.
  - 3) understands concepts, skills, and procedures related to number, number sense, computation and numeration.
  - 4) understands concepts, skills, and procedures related to geometry



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- and spatial relationships.
- 5) understands concepts, skills, and procedures related to measurement of attributes such as length, weight, volume, and temperature.
  - 6) understands concepts, skills, and procedures needed to collect and analyze data.
  - 7) understands concepts, skills, and procedures related to exploring concepts of chance.
  - 8) understands and uses patterns and relationships to analyze mathematical situations.

## b) Performance Indicators - The competent early childhood teacher:

- 1) provides opportunities for students to apply problem-solving strategies in order to investigate and understand mathematical content.
- 2) uses various approaches (estimation, mental math, manipulative modeling, pattern recognition, and technology) to assist students as they explore and communicate mathematical ideas, solve problems, and investigate everyday situations.
- 3) provides opportunities for children to learn and apply number, number sense, computation and numeration in everyday situations.
- 4) provides opportunities for children to learn and apply geometry and spatial relationships in everyday situations.
- 5) provides opportunities for children to learn and apply measurements such as length, weight, volume, and temperature in everyday situations.
- 6) provides opportunities for children to learn and apply procedures needed to collect and analyze data in everyday situations as they use graphing and estimation.
- 7) provides opportunities for children to learn and apply concepts of chance in everyday situations.
- 8) provides opportunities for children to learn and apply patterns and relationships to analyze in their analysis of everyday situations.

## Section 26.140 Curriculum: Science

The competent early childhood teacher understands the interrelationships among science, technology, and society; understands and applies fundamental concepts related to earth and space science; the life sciences, the physical sciences, and the environmental sciences; and promotes the scientific abilities of children from birth through grade three as they acquire new knowledge through the use of scientific thinking, reasoning, and inquiry.

## a) Knowledge Indicators - The competent early childhood teacher:

- 1) understands the process of scientific inquiry and the interrelationships among science, technology, and society.
- 2) understands the principles of earth and space science, the life sciences, and the physical sciences and their interconnectedness in everyday environments.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- b) Performance Indicators - The competent early childhood teacher:
  - 1) promotes and encourages children's innate curiosity about objects and events, respect for living organisms, and appreciation of the environment.
  - 2) provides opportunities for children to conduct experiments, solve problems, apply the scientific process, and incorporate safety practices during all investigations.
  - 3) implements activities that foster children's application of the principles of earth/space, life, and physical sciences and exploration of their interconnectedness in everyday environments.

## Section 26.150 Curriculum: Social Science

The competent early childhood teacher understands the interrelationships among the social sciences; uses historical, geographical, economic, and political concepts and modes of inquiry; and promotes the abilities of children from birth through grade three as they begin to experience, think about, and make informed decisions as members of a culturally diverse, democratic society and interdependent world.

## a) Knowledge Indicators - The competent early childhood teacher:

- 1) understands the basic concepts of and interrelationships among the social sciences and the ways in which geography, history, civics, and economics relate to everyday situations and experiences.
  - 2) understands geographic concepts and phenomena.
  - 3) understands the major ideas, eras, themes, developments, and turning points in the history of Illinois, the United States, and the world.
  - 4) understands the rights and responsibilities of citizenship in the United States.
  - 5) understands the basic concepts of economic systems, with emphasis on the United States.
  - 6) understands concepts related to the structure and organization of human societies and relationships among social, economic, cultural, and political activities and institutions.
- b) Performance Indicators - The competent early childhood teacher:
- 1) provides opportunities for children to develop beginning concepts, skills, and dispositions which focus on how geography, history, civics (participation and citizenship), and economics relate to everyday situations and experiences.
  - 2) provides opportunities for children to use maps and symbols, observe and describe physical characteristics of local communities, and explain the interdependence of people, places, and regions.
  - 3) creates opportunities for children to develop beginning historical concepts involving people, cultures, families, folklore, and related events.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- 4) provides opportunities for children to explore the interrelationships among people and the roles of individuals and groups in the world in which we live.
- 5) provides opportunities for children to gather, organize, map, and interpret data and to use technology to communicate concepts, information, and procedures.
- 6) creates opportunities for children to understand the relationship of self to others and to social, economic, cultural, and political activities and institutions.

**Section 26.160 Curriculum: Physical Development and Health**

The competent early childhood teacher understands the comprehensive nature of the physical, emotional, and social well-being of children from birth through grade three; understands the role of human movement and physical activity as elements central to active, healthy life styles; and promotes the abilities of children from birth through grade three as they develop and practice skills that contribute to good health and enhance quality of life.

- a) Knowledge Indicators - The competent early childhood teacher:
  - 1) understands ways in which the physical, social, and emotional well-being of children enhances enjoyment, challenge, self-expression, and social interaction.
  - 2) understands basic principles and practices of personal, interpersonal, and community health and safety, including the prevention and treatment of illness and injury.
  - 3) understands human body systems and interrelationships between fitness and body systems.
  - 4) understands the phases, stages, and continuity of motor development.
  - 5) understands the relationship between resolution of conflicts and health and well-being.
  - 6) understands and respects differences among children in settings where children engage in physical activity.
- b) Performance Indicators - The competent early childhood teacher:
  - 1) applies basic principles and practices of personal, interpersonal, and community health and safety, including the prevention and treatment of illness and injury.
  - 2) provides opportunities for children to explore concepts and make decisions which positively influence their health and safety.
  - 3) applies health-related physical fitness concepts and practices.
  - 4) provides opportunities for children to explore movement activities in a variety of contexts.
  - 5) provides opportunities for children to resolve conflicts, communicate positively, and cooperate in a variety of contexts.

**Section 26.170 Curriculum: Fine Arts**

The competent early childhood teacher understands the content, function, and

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

achievements of dance, music, drama, and visual arts as primary media for communication, inquiry, and insight and promotes the abilities of children from birth through grade three as they express themselves through the arts.

- a) Knowledge Indicators - The competent early childhood teacher:
  - 1) understands the concepts, techniques, and materials of the visual arts, the cultural dimensions of the visual arts, and the interrelationships between the visual arts and other art forms.
  - 2) understands the concepts, techniques, and materials for producing, listening to, and responding to music, the cultural dimensions of music, and the interrelationships between music and other art forms.
  - 3) understands concepts, techniques, and materials related to drama and dance, the cultural dimension of drama and dance, and interrelationships between drama and dance and other art forms.
  - 4) understands various tools, including technology, for creating, analyzing, and performing works of art.
  - 5) understands the interrelationship of the arts and their representations in past and present society.
  - 6) understands the elements of visual art, music, dance, and drama.
- b) Performance Indicators - The competent early childhood teacher:
  - 1) provides opportunities for children to explore media, techniques, and processes to communicate for communicating ideas, experiences, and stories.
  - 2) provides opportunities for children to explore music in a variety of contexts and communicate ideas, experiences, and stories through music.
  - 3) provides opportunities for children to explore drama and dance in a variety of contexts and to communicate ideas.
  - 4) provides opportunities for children to apply various tools, including technology, as they create, interpret, and perform.
  - 5) provides opportunities for children to examine relationships among the arts.

**Section 26.180 Human Development and Learning**

The competent early childhood teacher understands how individuals grow, develop, and learn and provides learning opportunities that support the intellectual, social, emotional, and physical development of all children from birth through grade three.

- a) Knowledge Indicators - The competent early childhood teacher:
  - 1) understands how children from birth through grade three develop physically, socially, emotionally, cognitively, linguistically, and aesthetically.
  - 2) understands how to provide learning opportunities that support and enhance each area of development - physical, social, emotional, cognitive, linguistic, and aesthetic.
  - 3) understands how brain development from birth through grade three is promoted through developmentally and culturally appropriate



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- learning experiences.
- 4) understands how children from birth through grade three differ in their development and in their approaches to learning.
  - 5) understands how to support the development and learning of individual children from birth through grade three.
  - 6) understands the developmental consequences of stress and trauma on children and their families, including protective factors and resilience.
  - 7) understands the development of mental health and the importance of supportive relationships.
  - 8) understands the basic health, nutrition, and safety needs of children from birth through grade three, including specific procedures related to health, safety, and nutrition for infants and toddlers.
  - 9) understands appropriate procedures for responding to childhood illnesses and communicable diseases.
- b) Performance Indicators - The competent early childhood teacher:
- 1) applies knowledge of development and individual differences when designing developmentally and culturally appropriate learning experiences for children from birth through grade three.
  - 2) analyzes and evaluates learners' performance in order to design and facilitate learning experiences that are responsive to children's interests, developmental levels, and learning styles.
  - 3) examines the developmental consequences of stress and trauma on children and their families and responds by designing learning opportunities that promote resilience and support students' well-being.
  - 4) applies knowledge of mental health and supportive relationships when providing learning opportunities for children from birth through grade three.
  - 5) follows appropriate procedures and designs learning opportunities that are responsive to the health, safety, and nutritional needs of children from birth through grade three, including specific procedures and learning opportunities related to the health, safety, and nutrition of infants and toddlers.
  - 6) follows appropriate procedures when responding to childhood illnesses and communicable diseases.

## Section 26.190 Diversity

The competent early childhood teacher understands how children and families differ in their perspectives and approaches to learning and creates opportunities for growth and learning that are developmentally and culturally appropriate and are adapted for children from birth through grade three.

- a) Knowledge Indicators - The competent early childhood teacher:

- 1) understands conditions that affect children's development and learning, including risk factors, developmental variations, and developmental patterns of related to specific disabilities.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- 2) understands cultural and linguistic diversity and the significance of familial, socio-cultural, and political contexts for development and learning.
  - 3) recognizes that children are best understood within the contexts of family, culture, and society.
  - 4) understands the function of the home language in the development of young children and the interrelationships among culture, language, and thought.
- b) Performance Indicators - The competent early childhood teacher:
- 1) creates and modifies environments and experiences which meet the individual needs of all children from birth through grade three and their families, including children with disabilities, developmental delays, and special abilities.
  - 2) respects and affirms culturally and linguistically diverse children from birth through grade three and their families.
  - 3) supports home language preservation and creates learning environments and experiences that are free of bias.
  - 4) demonstrates sensitivity to differences in family structures and social and cultural backgrounds.
  - 5) works effectively over time with children of diverse ages (infants, toddlers, preprimary and primary students), with children of differing abilities, and with children reflecting culturally and linguistically diverse family systems.

## Section 26.200 Planning for Instruction

The competent early childhood teacher understands instructional planning and designs learning opportunities based on knowledge of the children, their families, and their communities and of content areas and curriculum goals.

- a) Knowledge Indicators - The competent early childhood teacher:
- 1) understands how to plan developmentally and culturally appropriate curriculum.
  - 2) understands the rationale for developmentally and culturally appropriate practice.
  - 3) understands how to develop short- and long-range instructional plans based on play, open-ended inquiry, and long-term investigation.
  - 4) understands how to use and integrate appropriate technology technological resources into classroom instruction.
- b) Performance Indicators - The competent early childhood teacher:
- 1) plans, implements, and evaluates developmentally and culturally appropriate curriculum and instructional practices that are based on knowledge of individual children, their families, and their communities and of content areas and curriculum goals.
  - 2) incorporates a variety of instructional strategies when designing learning experiences that promote children's physical, social, emotional, aesthetic, linguistic, and cognitive development.
  - 3) develops, implements, and evaluates an integrated curriculum that

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

focuses on children's needs and interests and takes into account culturally valued content and children's experiences at home.

- 4) creates, selects, evaluates, and incorporates developmentally and culturally appropriate materials and equipment into the instructional plans.
- 5) uses and integrates appropriate technological resources (e.g., puzzles, logical thinking programs, writing tools, digital cameras, drawing tools) in instructional planning for problem-solving, communication, and the illustration of thoughts, ideas, and stories.

## Section 26.210 Learning Environment

The competent early childhood teacher uses an understanding of individual and group motivation and behavior as well as of children's developmental levels and needs to create a learning environment that encourages positive social interaction, active engagement in learning, intrinsic motivation, and self-esteem.

- a) Knowledge Indicators - The competent early childhood teacher:
  - 1) understands how to create, select, and evaluate developmentally appropriate materials, equipment and technology for inclusion in the learning environment.
  - 2) understands how to adapt strategies to meet the specific needs of all children from birth through grade three, including those with disabilities, developmental delays, or special abilities.
  - 3) understands how to design learning environments that support the educational needs and interests of all children from birth through grade three.
  - 4) understands how to design and maintain physically and psychologically safe, healthy, and productive learning environments.
  - 5) understands the influence of the physical setting, schedule, routines, and transitions on children from birth through grade three.
  - 6) understands how to interpret and apply information gained through formative and summative program evaluation to ensure a high-quality learning environment for children, their families, and the community.
- b) Performance Indicators - The competent early childhood teacher:
  - 1) creates and modifies learning environments to meet the individual needs of children from birth through grade three, including children with disabilities, developmental delays, and special abilities.
  - 2) designs learning environments for children from birth through grade three that include and integrate developmentally and culturally appropriate materials, equipment, and technological resources.
  - 3) integrates and applies individual and group guidance and

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

problem-solving strategies that develop positive and supportive relationships, encourage positive social interaction, promote conflict resolution, and develop personal self-control, self-motivation, and self-esteem in children from birth through grade three.

- 4) designs and maintains physically and psychologically safe, healthy, and productive learning environments for children from birth through grade three.
- 5) applies an understanding of developmentally appropriate physical settings, schedules, routines, and transitions when promoting the development and learning of children from birth through grade three.
- 6) interprets and applies information gained from formative and summative program evaluation to ensure a high-quality learning environment for children, their families, and the community.

## Section 26.220 Instructional Delivery

The competent early childhood teacher uses a variety of instructional strategies to encourage students' development of critical thinking, problem-solving, and performance skills.

- a) Knowledge Indicators - The competent early childhood teacher:
  - 1) understands the rationale for a variety of instructional strategies, including play, small group projects, open-ended questioning, group discussion, problem-solving, cooperative learning, and inquiry experiences for children from birth through grade three.
  - 2) understands how to enhance the intellectual curiosity, problem-solving, and decision-making of children from birth through grade three.
  - 3) understands how to select, integrate, and implement technology and multimedia resources with children from birth through grade three, including assistive technologies for children with special needs.
  - 4) understands the importance of utilizing knowledge and strategies from multiple disciplines and systems in instructional delivery and in the development of Individualized Family Service Plans (IFSPs) and Individualized Education Programs (IEPs) for children from birth through grade three.
- b) Performance Indicators - The competent early childhood teacher:
  - 1) implements and evaluates a variety of instructional strategies, including play, small group projects, open-ended questioning, group discussion, problem-solving, cooperative learning, and inquiry experiences for children from birth through grade three.
  - 2) implements and evaluates instructional strategies that promote the development of intellectual curiosity, problem-solving, and decision-making for children from birth through grade three.
  - 3) selects, evaluates, and implements technology and multimedia



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

resources and activities for children from birth through grade three and is able to include and adapt assistive technologies for children with special needs.

- 4) makes decisions regarding intervention strategies and daily activities that incorporate knowledge and strategies from multiple disciplines, including health and social service systems, for children from birth through grade three and their families with IFSPs and IEPs.

**Section 26.230 Communication**

The competent early childhood teacher uses knowledge of effective written, verbal, nonverbal, and visual communication techniques to foster active inquiry, collaboration, and supportive interaction in the classroom.

- a) Knowledge Indicators - The competent early childhood teacher:
  - 1) understands communication theory, language development, and the role of language in learning.
  - 2) understands how cultural, gender, and socioeconomic differences can affect communication in the classroom.
  - 3) understands the interrelationships among culture, language and thought and the function of the home language in the development of young children.
  - 4) understands the importance of audience and purpose when selecting ways to communicate ideas.

- b) Performance Indicators - The competent early childhood teacher:

- 1) models accurate, effective communication when conveying ideas and information and when asking questions and responding to students.
- 2) uses effective questioning techniques and stimulates discussion in different ways for specific instructional purposes.
- 3) creates varied opportunities for all students to use effective written, verbal, nonverbal, and visual communication.
- 4) communicates with and challenges students in a supportive manner and provides students with constructive feedback.
- 5) uses a variety of communication modes to communicate with a diverse student population effectively.
- 6) practices effective listening, conflict resolution, and group-facilitation skills as a team member.
- 7) uses a variety of communication tools to enrich learning opportunities.
- 8) uses individual and group guidance and problem-solving skills to develop positive and supportive relationships with children, to encourage positive social interaction among children, and to develop children's personal self-control, self-motivation, and self-esteem.

**Section 26.240 Assessment**

The competent early childhood teacher understands various formal and informal

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

assessment strategies and uses them to support the continuous development of all children.

- a) Knowledge Indicators - The competent early childhood teacher:

- 1) understands assessment as a means of evaluating how children learn, what they know and are able to do in relationship to national, State, and local standards, and what kinds of experiences will support their further growth and development.
- 2) understands the purposes, characteristics, and limitations of different kinds of assessments.
- 3) understands measurement theory and assessment-related issues such as validity, reliability, bias, and scoring.
- 4) understands how to use the results of assessment to reflect on and modify teaching.
- 5) understands how to select, construct, and use assessment and evaluation strategies and instruments for diagnosis and prescription.
- b) Performance Indicators - The competent early childhood teacher:
  - 1) uses a variety of assessment results to diagnose students' learning and development, develop a student profile, align and modify instruction, and design teaching strategies.
  - 2) maintains useful, accurate, and ethical records of students' work and performance and communicates about students' progress knowledgeably and responsibly to students, parents, school, and community.
  - 3) uses assessment results for the purpose of planning appropriate programs, environments, and interactions and adapting for individual differences.
  - 4) participates and assists other professionals in conducting family-centered assessments.
  - 5) selects, evaluates, and interprets formal, standardized assessment instruments and information used in the assessment of children and integrates authentic classroom assessment data with formal assessment information.
  - 6) communicates assessment results and integrates assessment results from others as an active participant in the development and implementation of students' IEPs and IFSPs.
  - 7) involves families in assessing and planning for individual children, including children with disabilities, developmental delays, or special abilities.
  - 8) uses appropriate technologies to monitor and assess students' progress.

**Section 26.250 Collaborative Relationships**

The competent early childhood teacher understands the role of the community in education and develops and maintains collaborative relationships with colleagues, parents/guardians, and representatives of community service agencies in order to support children's learning and well-being.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- a) Knowledge Indicators - The competent early childhood teacher:
- 1) understands schools as organizations within the larger community context.
  - 2) understands the benefits, barriers, and techniques involved in school/family relationships.
  - 3) understands the collaborative process and the skills which are necessary to carry out the process.
- b) Performance Indicators - The competent early childhood teacher:
- 1) uses appropriate health appraisal procedures and recommends referral to appropriate community health and social services when necessary.
  - 2) establishes and maintains positive collaborative relations with families, colleagues, and other professionals working effectively to support children's development, learning, and well-being.
  - 3) develops relationships with parents/family to acquire an understanding of students' lives outside of the school and to support parents/family in making decisions related to their child's development and learning.
  - 4) supports parents in making decisions related to parenting and their child's development.
  - 5) applies family systems theory and knowledge of the dynamics, roles, and relationships within families and communities.
  - 6) links families with a range of family-oriented services based on identified resources, priorities, and concerns.
  - 7) establishes and maintains positive, collaborative relationships with colleagues, other professionals, and families and works effectively as a member of a professional team.
  - 8) identifies and uses community resources to enhance children's development, learning, and well-being and to explore career opportunities.

**Section 26.260 Reflection and Professional Growth**

The competent early childhood teacher is a reflective practitioner who continually evaluates how choices and actions affect students, parents, and other professionals in the learning community and actively seeks opportunities to grow professionally.

- a) Knowledge Indicators - The competent early childhood teacher:
- 1) understands that reflection is an integral part of professional growth and the improvement of instruction.
  - 2) understands methods of inquiry that provide for a variety of self-assessment and problem-solving strategies for reflecting on practice.
  - 3) understands major areas of research on the learning process and resources that are available for professional development.
- b) Performance Indicators - The competent early childhood teacher:
- 1) reflects on his or her practices, articulates a philosophy and rationale for decisions, and continually evaluates the effects of

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

his or her choices and actions on others (young children, parents, and other professionals) as a basis for program planning and modification and continuing professional development.

- 2) actively seeks out opportunities to grow professionally by locating and using appropriate professional literature, organizations, resources, and experiences to inform and improve practice.
- 3) participates in a variety of settings in which children, from birth through age eight, are served (such as public and private centers, schools, and community agencies).
- 4) demonstrates ability to work effectively serving children of two different age groups (infant/toddler, preprimary, or primary age) and with varying abilities.
- 5) analyzes and evaluates experiences in working with parents and with interdisciplinary teams of professionals.
- 6) uses classroom observation, information about students, pedagogical knowledge, and research as sources for active reflection, evaluation, and revision of practice.

**Section 26.270 Professional Conduct and Leadership**

The competent early childhood teacher understands education as a profession, maintains standards of professional conduct, and provides leadership to improve children's learning and well-being.

- a) Knowledge Indicators - The competent early childhood teacher:
- 1) understands the unique characteristics of education as a profession and the ethical considerations that apply to educators.
  - 2) understands how school systems are organized and operate.
  - 3) understands school policies and procedures.
  - 4) understands legal issues in education.
  - 5) understands the importance of active participation and leadership in professional education organizations.
- b) Performance Indicators - The competent early childhood teacher:
- 1) demonstrates an understanding of conditions of children, families, and professionals; current issues and trends; legal issues; and legislation and other public policies affecting children, families, programs for young children, and the early childhood profession.
  - 2) demonstrates an understanding of the early childhood profession, its multiple historical, philosophical, and social foundations, and how these foundations influence current thought and practice.
  - 3) acts in accordance with current legal directives.
  - 4) serves as an advocate on behalf of young children and their families, improved quality of programs and services for young children, and enhanced professional status and working conditions for early childhood educators.
  - 5) demonstrates an understanding of basic principles of



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

administration, organization, and operation of early childhood programs, including supervision of staff and volunteers and program evaluation.

- 6) recognizes signs of emotional distress, child abuse, and neglect in young children and understands the responsibility and procedures for reporting known or suspected abuse or neglect to appropriate authorities.
- 7) communicates effectively with other professionals concerned with children and with agencies in the larger community to support children's development, learning, and well-being.
- 8) follows school policy and procedures, respecting the boundaries of professional responsibilities, when working with students, colleagues, and families.

## SUBPART B: STANDARDS FOR CERTIFICATION IN ELEMENTARY EDUCATION

## Section 26.300 Purpose and Effective Dates of Standards in Subpart B

This Subpart B establishes the standards that, together with the standards set forth in Standards for All Illinois Teachers (see 23 Ill. Adm. Code 24), shall apply to the issuance of teaching certificates in elementary education pursuant to Article 21 of the School Code [105 ILCS 5/Art. 21]. The standards set forth in this Subpart B shall apply both to candidates for certification in elementary education and to the programs that prepare them. That is:

- a) beginning July 1, 2003, approval of any teacher preparation program or course of study in elementary education pursuant to the State Board's rules for Certification (23 Ill. Adm. Code 25, Subpart C) shall be based on the congruence of that program's or course's content with the standards identified in this Subpart B; and
- b) beginning July 1, 2004, the examination(s) required for issuance of an elementary certificate shall be based on the standards identified in this Subpart B.

## Section 26.310 Curriculum

The competent elementary teacher understands and demonstrates the central concepts, tools of inquiry, and structures of content and creates meaningful, integrated learning experiences that develop all students' competence in subject matter and skills for various developmental levels.

- a) Knowledge Indicators - The competent elementary teacher:
  - 1) understands the connections among various content areas and is able to analyze ideas, problems, and real-world situations within and across content areas.
  - 2) understands the connections among various content areas and is able to interpret and communicate information, reasoning, concepts, and procedures within and across content areas.
- b) Performance Indicators - The competent elementary teacher:
  - 1) uses teaching techniques that demonstrate analysis of ideas,

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

problems, and real-world situations within and across content areas.

- 2) interprets and communicates information, reasoning, concepts, and procedures within and across content areas.

## Section 26.320 Curriculum: English Language Arts

The competent elementary teacher demonstrates proficiency in the use of oral and written English; understands and communicates ideas, information, and perspectives in reading, writing, speaking, and listening; and promotes all students' ability to apply language and thinking skills to many different genres, concepts, and situations.

- a) Knowledge Indicators - The competent elementary teacher:
  - 1) understands phonological, word analysis, and vocabulary strategies.
  - 2) understands skills and strategies involved in reading for various purposes: factual information, personal response, literary appreciation, critical analysis, and social interaction.
  - 3) understands a diverse body of works, authors, and movements in U.S. and world literature, literature for children and young adults, and characteristic features of various literary genres.
  - 4) understands skills and strategies involved in writing for various purposes and audiences, incorporating knowledge of English grammar and mechanics, and the critical analysis of written work in terms of organization, clarity, and style.
  - 5) understands skills and strategies involved in listening for various purposes: factual information, personal response, literary appreciation, critical analysis, and social interaction.
  - 6) understands skills and strategies involved in speaking to audiences for various purposes: information, persuasion, and entertainment.
  - 7) understands the research process and study skills.
- b) Performance Indicators - The competent elementary teacher:
  - 1) demonstrates proficiency in the use of oral and written English.
  - 2) teaches the reading, writing, speaking, and listening processes.
  - 3) teaches using a diverse body of works, authors, and movements in U.S. and world literature, literature for children and young adults, and characteristic features of various literary genres.
  - 4) selects and uses a wide range of instructional resources and technologies to support reading, writing, and research.

## Section 26.330 Curriculum: Mathematics

The competent elementary teacher demonstrates proficiency in the use of mathematics; understands, communicates, and connects the major concepts, procedures, and reasoning processes of mathematics, including number systems and number sense, geometry, measurement, statistics, probability, and algebra; and promotes all students' ability to apply, interpret, and construct

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

mathematical thinking skills in a variety of situations.

- a) Knowledge Indicators - The competent elementary teacher:
- 1) understands various approaches used (estimation, mental mathematics, manipulative modeling, numerical/geometric/algebraic pattern recognition, and technology) to interpret and communicate mathematical information, reasoning, concepts, applications, and procedures.
  - 2) understands approaches used (estimation, mental mathematics, manipulative modeling, numerical/geometric/algebraic pattern recognition, and technology) to interpret and communicate mathematical information, reasoning, concepts, applications, and procedures.
  - 3) understands concepts, skills, and procedures related to numbers (e.g., integers and natural, rational, and real numbers), number sense, and numeration and their use in real-world situations.
  - 4) understands concepts, skills, and procedures related to synthetic/analytical geometry and spatial relationships and their use in real-world situations.
  - 5) understands concepts, skills, and procedures related to algebraic relations/functions and their use in real-world situations.
  - 6) understands concepts, skills, and procedures related to measurement and their use in real-world situations.
  - 7) understands concepts, skills, and procedures related to statistics/data analysis and their use in real-world situations.
  - 8) understands concepts, skills, and procedures related to probability/expectations and their use in real-world situations.
- b) Performance Indicators - The competent elementary teacher:
- 1) demonstrates proficiency in the use of mathematics.
  - 2) teaches major concepts, procedures, and reasoning processes related to number systems and number sense, geometry, measurement, statistics, probability, and algebra.
  - 3) selects and uses a wide range of manipulatives, instructional resources, and technologies to support the learning of mathematics.

**Section 26.340 Curriculum: Science**

The competent elementary teacher understands the interrelationships among science, technology, and society; understands the fundamental concepts of earth and space science, the life sciences, the physical sciences, and the environmental sciences; and uses strategies to engage all students in acquiring new knowledge through the use of scientific thinking and reasoning.

- a) Knowledge Indicators - The competent elementary teacher:
- 1) understands the interrelationships among science, technology, and society in historical and contemporary contexts.
  - 2) understands the fundamental concepts, principles, and interconnections of the life sciences, the physical sciences, the environmental sciences, and earth and space science and their use

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- to interpret, analyze, and explain phenomena.
- 3) understands principles and procedures, including safety practices, related to the design and implementation of scientific investigations and the application of inquiry skills and processes to develop explanations of natural phenomena.
  - 4) understands the use of scientific investigation and inquiry skills across the sciences to conduct experiments and solve problems.
- b) Performance Indicators - The competent elementary teacher:
- 1) demonstrates and communicates the concepts, theories, and practices of science.
  - 2) demonstrates and uses strategies to engage students in acquiring new knowledge through the use of scientific thinking and reasoning.
  - 3) selects and uses a wide range of instructional resources and technologies to support scientific learning.

**Section 26.350 Curriculum: Social Science**

The competent elementary teacher understands the interrelationships among the social sciences; uses concepts and modes of inquiry appropriate to history, geography, economics, political science, sociology, anthropology, psychology, and archaeology; and promotes all students' ability to make informed decisions as citizens of a culturally diverse, democratic society and interdependent world.

- a) Knowledge Indicators - The competent elementary teacher:
- 1) understands the rights and responsibilities of citizenship in the United States and the skills, knowledge, and attitudes necessary for successful participation in civic life.
  - 2) understands the interrelationships of economic and political principles, concepts, and systems and their relationship to historical and contemporary developments in Illinois, the United States, and the world.
  - 3) understands from multiple perspectives the significant eras, themes, developments, and turning points in the history of Illinois, the United States, and the world.
  - 4) understands the interrelationships between people and their environment.
  - 5) understands geographic concepts and phenomena and their impact on Illinois, the United States, and the world.
  - 6) understands concepts related to the structure and organization of human societies and processes of socialization and social interaction.
  - 7) understands the implications of cultural heritage and diversity, as well as cohesion, within and across groups.
- b) Performance Indicators - The competent elementary teacher:
- 1) demonstrates proficiency in the principles of social science.
  - 2) uses history and modes of inquiry to make informed decisions.



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- 3) uses literature for children and young adults to support learning in the social sciences.
- 4) uses social science processes, skills, and concepts (e.g., gathering, organizing, mapping, interpreting, and analyzing information).
- 5) models and teaches the rights and responsibilities of citizenship in a democratic society.
- 6) selects and uses a wide range of instructional resources and technologies to support learning in the social sciences.

**Section 26.360 Curriculum: Physical Development and Health**

The competent elementary teacher understands the comprehensive nature of students' physical, emotional, and social well-being; understands the role of human movement and physical activity as elements central to active, healthy lifestyles; and promotes all students' ability to develop and practice skills that contribute to good health and enhanced quality of life.

- a) Knowledge Indicators - The competent elementary teacher:
  - 1) understands concepts related to movement, sports, and team-building skills.
  - 2) understands human body, the systems of the human body, physical fitness concepts and practices, and interrelationships between fitness and body systems.
  - 3) understands basic principles and practices of personal, interpersonal, and community health and safety.
  - 4) understands conflict resolution and its relationship to health and well-being.
- b) Performance Indicators - The competent elementary teacher:
  - 1) uses communication and decision-making skills to promote personal, interpersonal, and community health and well-being.
  - 2) promotes and adapts skills that contribute to health and safety.
  - 3) provides opportunities for individual and team physical activities.
  - 4) models, teaches, and promotes conflict resolution and its relationship to health and well-being.
  - 5) selects and uses a wide range of instructional resources and technologies to support physical development and health.

**Section 26.370 Curriculum: Fine Arts**

The competent elementary teacher understands the educational, communicative, and aesthetic value of dance, drama, music, and visual art and the role fine arts play in reflecting history and culture and promotes all students' ability to express themselves creatively.

- a) Knowledge Indicators - The competent elementary teacher:
  - 1) understands concepts, techniques, and materials of the visual arts; cultural dimensions of the visual arts; and interrelationships among the visual arts and the other art forms.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- 2) understands concepts, techniques, and materials for producing, listening to, and responding to music; cultural dimensions of music; and interrelationships among music and the other art forms.
- 3) understands concepts, techniques, and materials related to drama; cultural dimensions of drama; and interrelationships among drama and the other art forms.
- 4) understands concepts, techniques, and materials related to dance; cultural dimensions of dance; and interrelationships among dance and the other art forms.
- b) Performance Indicators - The competent elementary teacher:
  - 1) promotes artistic development, appreciation, and performance.
  - 2) teaches the use of various tools, including technology, for creating, analyzing and performing works of art.

**Section 26.380 Human Development and Learning**

The competent elementary teacher understands how individuals grow, develop, and learn and provides learning opportunities that support all students' cognitive, social, emotional, moral/ethical, and physical development.

- a) Knowledge Indicators - The competent elementary teacher:
  - 1) understands that physical, social, emotional, moral/ethical, cognitive, and linguistic development influences learning and uses this understanding when planning curriculum, delivering instruction, and constructing assessment.
  - 2) understands human and cognitive development, learning theories, and the ranges of individual variation within each developmental domain.
- b) Performance Indicators - The competent elementary teacher:
  - 1) assesses individual and group performance in relation to cognitive, social, emotional, moral/ethical, and physical development.
  - 2) recognizes and respects differences and designs instruction so all students can learn.

**Section 26.390 Diversity**

The competent elementary teacher understands how students differ in their approaches to learning and creates instructional opportunities that are adapted to diverse learners.

- a) Knowledge Indicators - The competent elementary teacher:
  - 1) understands characteristics of gifted and talented students and the characteristics of students with various disabilities.
  - 2) understands the process of second-language acquisition and strategies that support the learning of students whose first language is not English.
  - 3) understands how students' learning is influenced by individual experiences, talents, and prior learning as well as language,

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- culture, family, and community values.
- 4) understands and identifies differences in approaches to learning and performance, including different learning styles, multiple intelligences, and performance modes.
- b) Performance Indicators - The competent elementary teacher:
- 1) facilitates a learning community in which individual differences and cultural diversity are respected.
  - 2) makes appropriate provisions (in terms of time and circumstances for work, tasks assigned, communication, and response modes) for all students.
  - 3) uses information about students' families, cultures, and communities as a basis for connecting instruction to students' experiences.
  - 4) uses cultural diversity and individual student experiences to enrich instruction.
  - 5) uses a wide range of instructional strategies and technologies to meet diverse student needs.
  - 6) identifies and makes use of appropriate services or resources to assist students with exceptional learning needs.

**Section 26.400 Planning for Instruction**

The competent elementary teacher understands instructional planning and designs instruction based upon knowledge of the discipline, students, community, and curriculum goals.

- a) Knowledge Indicators - The competent elementary teacher:
- 1) understands the Illinois Learning Standards, content knowledge, learning theories, and student needs, including IEPs.
  - 2) understands how to develop flexible short- and long-range plans consistent with curriculum goals, learners' diversity, and learning theories.
  - 3) understands how to integrate career awareness into the curriculum.
  - 4) understands how students' individualized education programs (IEPs) relate to the instruction they receive.
  - 5) understands how to evaluate and integrate technologies, including assistive technology, into classroom instruction.
  - 6) understands how to use various technological tools to locate and manage information.
- b) Performance Indicators - The competent elementary teacher:
- 1) establishes goals and selects learning materials based on the Illinois Learning Standards, content knowledge, learning theories, and students' needs, including IEPs.
  - 2) creates flexible short-range and long-term plans based on elementary-level scope and sequence when planning curriculum and instruction.
  - 3) creates learning activities to allow for variation in students' learning styles and performance modes.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- 4) incorporates experiences into instructional practices that relate to the students' life experiences and to future career and work experiences.
- 5) creates approaches to learning that are interdisciplinary and that integrate multiple content areas.
- 6) selects and uses a wide range of instructional resources and technologies.

**Section 26.410 Learning Environment**

The competent elementary teacher understands individual/group motivation and behavior and uses that understanding to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.

- a) Knowledge Indicators - The competent elementary teacher:
- 1) understands principles of and strategies for effective classroom management.
  - 2) understands how individuals influence groups, how groups influence individuals, and how groups function in society.
  - 3) understands how to help students work cooperatively and productively in groups.
  - 4) understands factors that influence motivation and engagement and how to help students become self-motivated.
- b) Performance Indicators - The competent elementary teacher:
- 1) creates a learning community in which students take responsibility for themselves and others, participate in decision-making, and work independently and in cooperative learning groups.
  - 2) promotes social relationships, students' motivation and engagement in productive work through mutual respect, and support for one another.
  - 3) organizes, allocates, and manages time, materials, and physical space to provide active and equitable engagement of students in productive tasks.

**Section 26.420 Instructional Delivery**

The competent elementary teacher understands and uses a variety of instructional strategies to encourage all students' development of critical thinking, problem-solving, and performance skills.

- a) Knowledge Indicators - The competent elementary teacher:
- 1) understands cognitive processes associated with various kinds of learning.
  - 2) understands principles and techniques associated with various instructional strategies.
  - 3) understands how to enhance learning through the use of a wide variety of materials and resources.
  - 4) understands the disciplinary and interdisciplinary approaches to



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

learning and how they relate to life and career experiences.

- b) Performance Indicators - The competent elementary teacher:
- 1) uses multiple teaching and learning strategies and varied resources to promote the development of critical and creative thinking skills.
  - 2) monitors and adjusts strategies in response to learners' feedback.
  - 3) varies his or her role in the instructional process as instructor, facilitator, coach, or audience in relation to the content and purposes of instruction and the needs of students.
  - 4) uses a variety of clear, accurate presentations and representations of concepts; uses alternative explanations; and presents diverse perspectives.
  - 5) presents curriculum that demonstrates an interconnection among subject areas that will reflect life and career experiences.
  - 6) selects and uses a wide range of instructional resources and technologies to support learning.

**Section 26.430 Communication**

The competent elementary teacher uses knowledge of effective written, verbal, nonverbal, and visual communication techniques to foster active inquiry, collaboration, and supportive interaction.

- a) Knowledge Indicators - The competent elementary teacher:
- 1) understands communication theory, language development, and the role of language in learning.
  - 2) understands how individual, cultural, linguistic, and gender differences can affect communication in the classroom.
  - 3) understands the social, intellectual, and political implications of language use.
  - 4) understands the importance of audience and purpose when communicating ideas.
- b) Performance Indicators - The competent elementary teacher:
- 1) models accurate, effective modes of communication and uses a variety of communication tools, including technology.
  - 2) uses effective questioning techniques and stimulates discussion in different ways for specific instructional purposes.
  - 3) creates varied opportunities for all students to use effective written, verbal, nonverbal, and visual communication.
  - 4) communicates with all students in a supportive manner.
  - 5) practices effective listening, conflict-resolution, and group-facilitation skills as a team member.

**Section 26.440 Assessment**

The competent elementary teacher understands and uses various formal and informal assessment strategies to support the learning of all students.

- a) Knowledge Indicators - The competent elementary teacher:

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- 1) understands assessment as a means of evaluating how students learn; what they know and are able to do in relation to national, State, and local standards; and what kinds of experiences will support students' future growth and development.
  - 2) understands the purposes, characteristics, and limitations of different kinds of assessments.
  - 3) understands measurement theory and assessment-related issues such as validity, reliability, bias, and scoring.
  - 4) understands how to select, construct, and use assessment and evaluation strategies and instruments for diagnosis and prescription for the learner.
- b) Performance Indicators - The competent elementary teacher:
- 1) uses assessment results to diagnose students' learning, develop a student profile, align and modify instruction, and design teaching strategies.
  - 2) develops and uses a variety of formal and informal assessments to evaluate the progress and performance of students.
  - 3) involves students in self-assessment, reflection, and goal-setting.
  - 4) maintains useful, accurate, and ethical records of students' work and performance and communicates regarding students' progress knowledgeably and responsibly to students, parents, school, and community.
  - 5) selects and uses appropriate instructional resources and technologies to monitor and assess students' progress.

**Section 26.450 Collaborative Relationships**

The competent elementary teacher understands the role of the community in education and develops and maintains collaborative relationships with colleagues, parents/family, and the community to promote the cognitive, social, emotional, moral/ethical, and physical growth of all learners.

- a) Knowledge Indicators - The competent elementary teacher:
- 1) understands schools as organizations within the larger community context.
  - 2) understands the benefits of, barriers to, and techniques for working collaboratively with parents/family, community, colleagues, specialists, support personnel, and administrators.
  - 3) understands school- and work-based learning environments and the need for collaboration with business organizations in the community.
- b) Performance Indicators - The competent elementary teacher:
- 1) initiates and creates situations for collaborative decision-making and problem-solving with parents/family and other professionals, including colleagues, specialists, and support personnel, to facilitate students' progress and advocate for students' needs.
  - 2) develops relationships with parents/family and other community

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

professionals in a professional manner that is fair and equitable in order to acquire an understanding of the students' lives outside of the school.

- 3) works effectively with parents/family and other members of the community from diverse homes and community situations.
- 4) identifies and uses community resources to enhance students' learning and to provide opportunities for students to explore career opportunities.

**Section 26.460 Reflection and Professional Growth**

The competent elementary teacher is a reflective practitioner who continually evaluates how choices and actions affect students, parents, and other professionals in the learning community and actively seeks opportunities to grow professionally.

- a) Knowledge Indicators - The competent elementary teacher:
  - 1) understands that reflection is an integral part of professional growth and improvement of instruction.
  - 2) understands methods of inquiry that provide for a variety of self-assessment and problem-solving strategies.
  - 3) understands major resources for professional development, including professional literature, professional associations, professional development opportunities, and procedures for action-based research.
- b) Performance Indicators - The competent elementary teacher:
  - 1) uses classroom observation, information about students, pedagogical knowledge, and research as sources for active reflection, evaluation, and revision of practice.
  - 2) collaborates with other professionals as resources for problem-solving, generating new ideas, sharing experiences, and seeking and giving feedback.
  - 3) participates in continuous learning to support his or her own development.
  - 4) applies knowledge of current research related to national, State, and local guidelines/standards.

**Section 26.470 Professional Conduct and Leadership**

The competent elementary teacher understands education as a profession, maintains standards of professional conduct, serves as a positive role model, and provides leadership to improve students' learning and well-being.

- a) Knowledge Indicators - The competent elementary teacher:
  - 1) understands the unique characteristics of education as a profession and the ethical considerations that apply to educators.
  - 2) understands how school systems are organized and operate.
  - 3) understands school policies and procedures.
  - 4) understands legal issues in education.

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED RULES

- 5) understands the importance of active participation and leadership in professional organizations.

- b) Performance Indicators - The competent elementary teacher:
  - 1) contributes knowledge and expertise about teaching and learning to the profession.
  - 2) acts in accordance with current legal directives.
  - 3) follows school policy and procedures, respecting the boundaries of professional responsibilities, when working with students, colleagues, and families.
  - 4) initiates and develops educational projects and programs.
  - 5) participates actively in curriculum development, staff development, and student organizations.
  - 6) participates, as appropriate, in policy design and development at the local level, with professional organizations, and/or with community organizations.



ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

- 4) Statutory Authority: Section 7.28 of the Illinois Housing Development Act [20 ILCS 3805/7.28].
- 5) A Complete Description of the Subjects and Issues Involved: These rules involve the administration of the affordable housing tax credit program.
- 6) Will this proposed rule replace an emergency rule currently in effect? Yes, these same rules are simultaneously being proposed on an emergency basis.
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed rules pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed rule does not create, expand or modify a State mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments, data, views or arguments concerning this rulemaking in writing to:
- Richard Muller, Esq.  
401 N. Michigan Ave.  
Suite 900  
Chicago, Illinois 60611  
312/836-5327

The Authority will consider all written comments received at the above address within 45 days of the date of publication on this notice.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed rules will have a favorable impact on small to midsize real estate developers and contractors.
- B) Reporting, bookkeeping or other procedures required for compliance: No new requirements.
- C) Types of professional skills necessary for compliance: No new professional skills needed.

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: it was not anticipated.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

- 1) Heading of Part: Accessible Housing Demonstration Grant Program
- 2) Code Citation: 47 Ill. Adm. Code 355

3) Section Numbers: Emergency Action:

355.101	New
355.102	New
355.103	New
355.104	New
355.105	New
355.106	New
355.107	New
355.108	New
355.109	New
355.110	New
355.201	New
355.202	New
355.203	New
355.204	New
355.205	New
355.206	New
355.207	New
355.208	New
355.209	New
355.210	New
355.301	New
355.302	New
355.303	New
355.304	New
355.305	New
355.306	New
355.307	New
355.308	New
355.309	New
355.310	New
355.401	New
355.402	New
355.403	New
355.404	New
355.405	New
355.406	New
355.407	New
355.408	New
355.501	New
355.502	New
355.503	New
355.504	New
355.601	New

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF PROPOSED RULES

The full text of the Proposed Rules are identical to the text of the Emergency Rules on page 15539 of this issue of the *Illinois Register*.

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Bingo License and Tax Act

2) Code Citation: 86 Ill. Adm. Code 430

3) Section Numbers: Proposed Action:  
430.110 Amendment  
430.160 Amendment

4) Statutory Authority: 230 ILCS 25

5) A Complete Description of the Subjects and Issues Involved: Public Act 92-0305 removed Section 2(2) of the Bingo License and Tax Act. Section 2(2) provided that no person except a bona fide member of the sponsoring organization or a bona fide member of an auxiliary organization, substantially all of whose members are spouses of members of the sponsoring organization, could participate in the management or operation of a bingo game. The attached amendments to Sections 430.110 and 430.160 update the Department's Bingo License and Tax Act regulations in conformance with PA 92-0305. In addition, the attached amendment to Section 430.160 updates the regulation to bring it into conformance with Section 2(4) of the Bingo License and Tax Act regarding prize limits. Also, various technical corrections have been made to out-of-date statutory citations.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State Mandate, nor does it modify any existing State Mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Martha P. Mote  
Associate Counsel  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
Phone: (217) 782-2844



DEPARTMENT OF REVENUE  
NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This amendment affects charitable organizations that conduct Bingo.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2001

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF REVENUE  
NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUE  
PART 430  
BINGO LICENSE AND TAX ACT

Section	
430.100	Definitions
430.110	Regular Licenses
430.120	Limited Licenses
430.125	Senior Citizens Restricted Licenses
430.130	Suppliers Licenses
430.140	Providers Licenses
430.150	Ineligibility for License
430.160	Restrictions and Limitations on the Conducting of Bingo
430.170	Imposition of Tax; Returns
430.180	Records; Audits
430.190	Denial, Suspension, or Revocation of Licenses
430.200	Civil Penalties

AUTHORITY: Implementing and authorized by the Bingo License and Tax Act [230 ILCS 25].

SOURCE: Adopted August 31, 1971; amended at 2 Ill. Reg. 41, p. 154, effective July 22, 1978; amended at 3 Ill. Reg. 18, p. 219, effective May 4, 1979; amended at 4 Ill. Reg. 38, p. 213, effective September 8, 1980; emergency amendment at 6 Ill. Reg. 9012, effective July 23, 1982, for a maximum of 150 days; codified at 6 Ill. Reg. 14688; Part repealed, new Part adopted at 7 Ill. Reg. 6100, effective June 1, 1983; amended at 15 Ill. Reg. 10944, effective July 10, 1991; amended at 16 Ill. Reg. 14688, effective September 14, 1992; amended at 18 Ill. Reg. 12539, effective August 2, 1994; amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 430.110 Regular Licenses

- a) Eligibility. To be eligible for a regular license an organization must have been organized in Illinois, and during the entire five year period preceding application must have had a bona fide membership engaged in carrying out its objects. However, the five year requirement shall be reduced to two years if the Illinois organization is affiliated with and chartered by a national organization which meets the five year requirement. (Section 1 of the Act) To be "chartered" by a national organization, an Illinois organization must have a document issued by the national organization formally authorizing the establishment of the Illinois organization. The organization must be conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation. (Section 1 of the Act) In addition, the organization must fall within

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

one of the following categories:

- 1) *Charitable Organization: an organization organized and operated to benefit an indefinite number of the public (Section 1 of the Act);*
- 2) *Educational Organization: an organization organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax supported schools. (Section 1 of the Act)* Public schools and school districts are not eligible for regular licenses;
- 3) *Religious Organization: any church, congregation, society, or organization founded for the purpose of religious worship (Section 1 of the Act);*
- 4) *Fraternal Organization: an organization of persons, including ethnic organizations, having a common interest, organized and operated exclusively to promote the welfare of its members and to benefit the general public on a continuing and consistent basis (Section 1 of the Act);*
- 5) *Veterans Organization: an organization comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit (Section 1 of the Act);*
- 6) *Labor Organization: an organization composed of labor unions or workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations (Section 1 of the Act);*
- 7) *Youth Athletic Organization: an organization having as its exclusive purpose the promotion and provision of athletic activities for youth aged 18 and under. (Section 1 of the Act)* Marching bands and drum and bugle corps are considered to be promoting and providing athletic activities. A youth athletic organization otherwise eligible for a regular license does not lose its eligibility because youths served by the organization become nineteen while participating in an athletic activity within a season of definite duration;
- 8) *Senior Citizens Organization: an organization or association comprised of members of which substantially all are individuals who are 55 years of age or older, or who are nearing the age of 55 and for whom opportunities for employment and participation in community life are unavailable or severely limited and who, as a result thereof, have difficulty in maintaining self-sufficiency and contributing to the life of the community. The primary purpose of the organization must be the promotion of the welfare of its members. (Section 1 of the Act)*

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- b) Applications. Application for a regular license must be made on the form prescribed by the Department, and must be accompanied by a license fee of \$200 in the form of a certified check or money order payable to the Illinois Department of Revenue. The Department will not consider applications which are not substantially complete, or which are not accompanied by the information described below.
  - 1) Renewal applications. An application for renewal of a current regular license must be accompanied by the following information:
    - A) A report, on a form provided by the Department or on a reasonable facsimile thereof, which contains the same information requested on the Department's form, accounting for the disposition of the gross proceeds derived from bingo during the period covered by the report. (See Section 430.180(a)) of this Part;
    - B) The names of the persons ~~members-of-the-organization-and-the auxiliary-organization--(substantially-all-of-whose-members are-spouses-of-members-of-the-sponsoring-organization)~~ who will be workers at the bingo sessions (other than the "Operators" whose names are shown on the application form): ~~A--presiding-officer--or--operator-of-the-organization-must certify--that--the-listed-members--have--belonged--to--the organization-for-at-least-30-days-prior-to-participation--in the-organization's-bingo-sessions;~~
    - C) Any other information requested by the Department which is necessary to establish the continued eligibility of the organization for a regular license.
  - 2) New applications. An organization applying for a regular license for the first time, or an organization which has held a regular license that expired prior to the receipt by the Department of a substantially complete application for renewal of the license, must submit the following information in addition to the completed application form:
    - A) Documentary evidence sufficient to show that the organization meets the eligibility requirements of subsection (a) above. Such documentation (by-laws, constitution, charter, minutes of past meetings, promotional material, and Articles of Incorporation) should prove that the organization has been carrying out its objectives for the 5 years preceding application;
    - B) The names of the persons ~~members-of-the-organization-and-the auxiliary-organization--(substantially-all-of-whose-members are--spouses--of-members-of-the-sponsoring-organization)~~ who will be workers at the bingo sessions (other than the "Operators" whose names are shown on the application form): ~~A--presiding-officer--or--operator--of--the--organization--must certify--that--the--listed--members--have--belonged--to--the organization--for-at-least-30-days-prior-to-participation-in the-organization's-bingo-sessions;~~



## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- C) Any other information requested by the Department which is necessary to establish the eligibility of the organization for a regular license;
- D) The application must also be accompanied by a bond equal to the applicant's anticipated average quarterly tax liability, as described in Section 430.170 of this Part below. The bond may be a bond from a surety company or may be a bank certificate of deposit made payable to the Director of the Department. The bond may also be a personal surety bond signed by two personal sureties who have filed, with the Department, sworn statements disclosing net assets equal to at least three times the amount of the bond to be required of such applicant. The Department will require an additional bond whenever the bond already posted does not cover the licensee's average quarterly tax liability, or if in the Department's judgment the amount of bond or other security is not sufficient to protect the State against failure to pay the amount which may become due from the licensee. In determining whether to require the furnishing of additional bond or other security by a licensee, the Department will consider payment history, general financial condition, and any other factors which reasonably indicate increased risk of nonpayment of the licensee's tax liability.
- c) Each regular license shall be valid for one year from its date of issuance. It is the policy of the Department to mail a renewal application to each regular licensee at least 30 days prior to the expiration of the license. However, failure to receive a renewal application does not excuse a licensee of its obligation to submit a substantially complete renewal application prior to the expiration of its current license. If the licensee fails to file a substantially complete renewal application prior to the expiration of its license, it must cease bingo activities until a renewal license is issued.
- d) Special operator's permits (special permits). A regular license entitles the licensee to obtain up to two special permits each license year. A special permit authorizes the licensee to conduct one session per day for up to seven consecutive days on premises other than those used by the organization for bingo under its regular license. A licensee may conduct bingo at the Illinois State Fair or any county fair held in Illinois during each day that the fair is in effect. Such bingo games therein conducted shall not require a special operator's permit.

The licensee must, however, notify the Department in writing 30 days before the desired starting date of the days the bingo will be conducted and the location.

- 1) To apply for a special permit a licensee must submit a request for the permit, in writing, to the Illinois Department of Revenue, Office of Bingo and Charitable Games, Post Office Box

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- 19480, Springfield, Illinois 62794. The request must state the proposed dates ~~dates~~, beginning and ending times, and location of the sessions to be played under the special permit. If the person or organization providing the premises for bingo under the special permit has a provider's license issued by the Department, the provider's license number must be included in the request, and a copy of any lease or rental agreement must accompany the request.
- 2) Requests for special permits should be received by the Department at least 30 days before the desired starting date for the special permit. The Department will approve or deny such requests no later than one week prior to the desired starting date. Requests received by the Department less than 30 days before the desired starting date will be accepted, and the Department shall make every reasonable effort to approve or deny the request before the desired starting date, but in no case may any licensee conduct special bingo sessions without having in its possession a special permit issued by the Department, or without having been informed by the Department that the request has been approved.
- 3) An organization may not conduct bingo under both its regular license and a special permit on the same day.
- e) A regular license authorizes the licensee to conduct bingo only at the location, on the day, and during the time period stated on the license. If a licensee wishes to change the location, day or time of its bingo, it may do so by requesting, in writing, an amended license. No additional fee will be charged for the first amended license in any one license year. Second and subsequent requests for changes in the location, day or time of bingo will be treated as applications for a new license, and must be accompanied by an application fee of \$200. The Department will not permit a licensee to conduct bingo on any day other than the day stated on the license when the change is requested because a holiday falls on the day stated on the license. When inclement weather (weather which is not conducive to the conducting of games, e.g., blizzard, tornado warnings, severe thunderstorms) has caused a licensee to cancel a scheduled game, the game may be made up on a day of the week other than the day authorized by the license, if the licensee notifies the Department in advance of the rescheduled day. An officer of the licensee must notify the Department by telephone of the new date and time, as well as the reason for rescheduling, in advance of the rescheduled game. The same officer must then verify this information in a letter to the Department.

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 430.160 Restrictions and Limitations on the Conducting of Bingo**

The following restrictions and limitations on the conducting of bingo apply to

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

any bingo session conducted by any licensed organization.

## a) License

- 1) No organization may conduct bingo without having in its possession a valid license issued by the Department. No organization may continue to conduct bingo after the expiration date shown on its license unless the Department has received a substantially complete renewal application and the information required by subsections (b)(1)(A) and (B) of Section 430.110. An organization which violates the restriction in the preceding sentence, but which submits a substantially complete renewal application within 30 days after the expiration of its license, shall be penalized as provided in Section 430.190(c)(2). If the Department has received a substantially complete renewal application and accompanying information prior to the expiration of a regular license, but has not issued the renewed license as of the expiration date, the organization may continue to conduct bingo, and the organization's expired license shall continue in effect until the Department notifies the organization of the decision on the renewal application. If the Department approves the renewal application, the date of issuance of the renewed license shall be the date following the expiration date of the expired license. If the Department denies the renewal application, and the organization protests the Department's denial as provided in Section 430.190, the expired license shall continue in effect until the Department issues a final administrative decision on the protest, or until the protest is otherwise resolved.

- 2) Every organization shall display its license in a prominent place in the area where it is to conduct bingo. [230 ILCS 25/1(4)] A bingo session may be conducted in two or more separate areas on the premises for which the license is issued. In such case the license shall be displayed in the area in which the person calling the numbers is located.

- 3) No license will be issued for any bingo session beginning less than two hours after the conclusion of a prior session conducted on the same premises. However, this restriction shall not apply to special permits or limited licenses to conduct bingo at the State Fair conducted by the Illinois Department of Agriculture pursuant to Section 5 of the State Fair Act [20 ILCS 210/5] ~~that Rev.-Stat.-1991-ch-127-par-1705 or at any county fair as that term is defined in Section 2.3 of the Agricultural Fair Act [30 ILCS 120/2] that Rev.-Stat.-1991-ch-85-par-652.~~

- b) Games. A bingo "game" consists of the calling of numbers from one to seventy-five, one at a time without replacement, until one or more winners are determined by the completion of one or more predetermined patterns of numbers on a bingo card.

- 1) An organization may not conduct more than 25 games during a bingo session, except organizations holding a special operator's permit

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

or a limited license may, as one of the occasions allowed by such license or permit, conduct bingo for a maximum of 2 consecutive days, during each day of which the number of games may exceed 25. Further, the 25 game restriction shall not apply to bingo conducted at the Illinois State Fair or any county fair held in Illinois. The statutory monetary limit on the prizes is always applicable. A maximum of five games may be designated "special games". Special games are distinguished from regular games only by the maximum price that may be charged for the bingo cards used. The five special games limit shall not apply to Bingo conducted at the Illinois State Fair or any county fair held in Illinois.

- 2) Regular game cards may be sold for a maximum of one dollar apiece, and each regular card must be valid for all regular games in a bingo session. However an organization holding a special operator's permit or a limited license may, on one of the occasions allowed by such license or permit, sell regular game cards which need not be valid for all regular games. Special game cards may be sold for a maximum of 50 cents each.

- 3) To be "valid" for a game, a card must be eligible for the same prize as any other card used in that game, except that cards sold for different prices may be eligible for different prizes, provided that the ratios of the prices and prizes are equal. (Example: An organization sells regular cards for either one dollar or 50 cents. The prize for a bingo on a one dollar card may be twice as large as the prize for a bingo on a 50 cent card. Note: This restriction does not apply in cases where the difference in the price of cards is due to a volume discount, e.g. one card for a dollar or six cards for five dollars.)

## c) Prizes

- 1) The aggregate retail value of all prizes or merchandise awarded in any bingo session may not exceed \$2,250, except that in any adjoining counties having 200,000 to 275,000 inhabitants each, and in counties which are adjacent to either of such adjoining counties and are adjacent to a total of not more than 2 counties in this State, and in any municipality having 2,500 or more inhabitants and within one mile of such adjoining and adjacent counties having less than 25,000 inhabitants, 2 additional bingo games may be conducted after the \$2,250 limit has been reached and the value of all prizes awarded may not exceed \$3,250 in a single day. (Currently, Madison, Monroe and St. Clair counties, and the city of Red Bud, qualify for additional games.) The prize awarded for any one game, including any game conducted after reaching the \$2,250 limit, may shall not exceed \$500 cash or its equivalent. [230 ILCS 25/2(4)]

- 2) An organization holding a special operator's permit or a limited license may, as one of the two annual occasions allowed by such permit or license, award only noncash prizes for which there is



## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

no monetary retail value limit imposed, provided that the retail value of noncash prizes for any single game shall not exceed \$150. There is no minimum prize requirement.

- 3) The aggregate retail value of all merchandise, cash, or bingo cards awarded in any bingo session as door or attendance prizes may not exceed \$500, and shall be considered part of the applicable maximum limit in prizes or merchandise that may be awarded in any bingo session. In games conducted pursuant to a special operator's permit or a limited license, and awarding only noncash prizes, the prize awarded for any one game may not exceed a retail value of \$150. There is no minimum prize requirement.

## d) Management and Operation of Bingo

- 1) For periods through August 8, 2001, only a bona fide member of the licensed organization or a bona fide member of an auxiliary organization (substantially all of whose members are spouses of members of the sponsoring organization) may participate in the management or operation of the bingo session, no person except--a bona fide member--of--the--licensed organization--or--a bona fide member--of--an auxiliary organization--(substantially all--of--whose members--are--spouses--of--members--of--the--sponsoring organization) may participate--in--the--management--or--operation--of--the--bingo session, either as an operator or a worker. Participation in the management or operation of the bingo session includes selling cards, calling numbers, confirming and paying winners, and handling or counting the proceeds from the sale of cards while the session is in progress.

A) Operators are the persons directly responsible for managing and operating the game, filing returns and paying the tax and who have signed the application for license or amended statement thereto. In addition, operators must have been bona fide members of the organization, or an auxiliary organization, for at least one year immediately preceding the dates upon which they are designated as operators. However, the presiding officer and secretary of the organization are deemed to be operators without regard to the length of their membership in the organization. No bingo session may be conducted unless an operator is present.

B) Workers are any persons, other than operators, participating in the management and operation of a bingo session. They must have been bona fide members of the organization, or an auxiliary organization, for at least 30 days prior to their participation in the management and operation of the bingo session. Their names must appear on the list of workers, or any amendments thereto, accompanying the organization's application, as provided in Section 430.110(b)(1)(B) and (b)(2)(B), and Section 430.120(b).

- 2) No person may receive any remuneration or profit for

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

participating in the management or operation of the game except that if an organization licensed under the ~~this~~ Act is associated with a school or other educational institution, that school or institution may reduce tuition or fees for a designated pupil based on participation in the management or operation of the game by any member of the organization. "Associated with" includes organizations which are organized and operated to promote the welfare of the school or educational institution (e.g., PTA or qualifying booster clubs). The extent to which tuition and fees are reduced shall relate proportionately to the amount of time volunteered by the member, as determined by the school or other educational institution. [230 ILCS 25/2(3)] Meals provided to operators or for-bingo workers on the day they participate in the management or operation of a bingo game and an annual banquet or party for them bingo-workers do not constitute "remuneration or profit", provided that the per capita value of such meals or parties is not so great as to constitute a significant inducement to participate in the management or operation of the organization's bingo game.

- 3) No person may participate in the management or operation of the bingo sessions of more than two licensed organizations.

## e) Illegal Gambling and Raffles

- 1) Unlicensed raffles or other forms of gambling prohibited by law shall not be conducted on the premises where bingo is being conducted. Illegal gambling includes, but is not limited to, gambling among those in attendance at the bingo session.

- 2) Bona fide raffles, including the selling of chances and the determining of winners, licensed pursuant to the Raffles Act [230 ILCS 15] ~~and~~ ~~Rev. Stat. 1991, ch. 117, par. 2-301 et seq.~~ may be conducted at bingo sessions. (Note that raffle licenses are issued by the governing bodies of counties and municipalities; the Department does not license raffles.) A "bona fide" raffle is defined as one in which, if the raffle is conducted entirely during a bingo session, the gross receipts from the sale of chances approximates the retail value of the prizes awarded, and the receipt or purchase of raffle chances or the determination of the raffle winners are in no way conditioned upon participation in the bingo session of any licensed organization, either as a player or as a worker.

- 3) Pull tabs and jar games conducted under the Illinois Pull Tabs and Jar Games Act [230 ILCS 20] may be conducted. Prizes awarded in these games shall not be included in the bingo prize limitation.

## f) Miscellaneous Provisions

- 1) The entire net proceeds from bingo must be exclusively devoted to the lawful purposes of the licensed organization. [230 ILCS 25/2(1)]
- 2) All advertising by a licensed organization regarding the

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

conducting of its bingo sessions shall contain the name and bingo license number of the organization. Licensed organizations may not participate in joint advertising with other licensed organizations.

- 3) No admission fee may be charged for entrance onto premises on which bingo is to be conducted, nor may any minimum requirement be imposed as to the purchase of bingo cards.
- 4) *No person under the age of 18 years may play or participate in the conducting of bingo. Any person under the age of 18 years may be within the area where bingo is being played only when accompanied by his or her parent or guardian. [230 ILCS 25/2(9)]*
- 5) No licensed organization shall purchase or lease any bingo supplies or equipment other than from a person or organization licensed under the Act.

- 6) *No licensee under the Act, while a bingo session is being conducted, shall knowingly permit the entry into any part of the premises by any person who has been convicted of a felony or a violation of Article 28 of the Criminal Code of 1961 [720 ILCS 5/Art. 28]. [230 ILCS 25/4]*

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Use Tax
- 2) Code Citation: 86 Ill. Adm. Code 150
- 3) Section Numbers: 150.310 Proposed Action: Amendment
- 4) Statutory Authority: 35 ILCS 105/3-55
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends 86 Ill. Adm. Code 150.310 to implement the provisions of P.A. 92-0488. P.A. 92-0488 provides that "[b]eginning on January 1, 2002, the use of tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State" is exempt from sales tax. The rules provide for the issuance of permits to qualifying taxpayers that apply to the Department in writing. To claim the exemption, permit holders must provide their Illinois suppliers with a certification that the tangible personal property received in Illinois will be temporarily stored in Illinois as provided in the statute. In the event that tangible personal property for which the exemption has been claimed does not qualify for the exemption, the purchaser will have to pay the tax that would have been due, in the same form that the retailer would have paid the tax, at the rate applicable at the location of the retailer from which the tangible personal property was purchased.

- 6) Will this proposed amendment replace an emergency amendment currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>IL Register Citation</u>
150.331	Amendment	09/28/01, 25 Ill. Reg. 12411
150.332	Amendment	09/28/01, 25 Ill. Reg. 12411

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State Mandate, nor does it modify any existing State Mandates.



## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Martha P. Mote  
Associate Counsel  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
(217) 782-6996

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This amendment could affect all of these organizations if they are engaged in centralized purchasing.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: July 2001

The full text of the Proposed Amendment begins on the next page:

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

## TITLE 86: REVENUE

## CHAPTER I: DEPARTMENT OF REVENUE

## PART 150

## USE TAX

## SUBPART A: NATURE OF THE TAX

Section	Description of the Tax
150.101	Rate and Base of Tax
150.105	How To Compute Depreciation
150.110	How to Determine Effective Date
150.115	Effective Date of New Taxes
150.120	Relation of Use Tax to Retailers' Occupation Tax
150.125	Accounting for the Tax
150.130	How to Avoid Paying Tax on Use Tax Collected From the Purchaser
150.135	

## SUBPART B: DEFINITIONS

Section	General Definitions
150.201	

## SUBPART C: KINDS OF USES AND USERS NOT TAXED

Section	Cross References
150.301	Effect of Limitation that Purchase Must be at Retail From a Retailer to be Taxable
150.305	Interim Use and Demonstration Exemptions
150.306	Exemptions to Avoid Multi-State Taxation
150.310	Non-resident Exemptions
150.315	Meaning of "Acquired Outside This State"
150.320	Charitable, Religious, Educational and Senior Citizens Recreational Organizations as Buyers
150.325	Governmental Bodies as Buyers
150.330	Persons Who Lease Tangible Personal Property to Exempt Hospitals
150.331	Persons Who Lease Tangible Personal Property to Governmental Bodies
150.332	Game or Game Birds Purchased at Game Breeding and Hunting Areas or Exotic Game Hunting Areas
150.335	Fuel Brought into Illinois in Locomotives
150.336	Food, Drugs, Medicines and Medical Appliances When Purchased for Use by a Person Receiving Medical Assistance under the Illinois Public Aid Code
150.337	

## SUBPART D: COLLECTION OF THE USE TAX FROM USERS BY RETAILERS

Section
---------

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

150.401 Collection of the Tax by Retailers From Users  
150.405 Tax Collection Brackets  
150.410 Tax Collection Brackets for a 2-1/4% Rate of Tax (Repealed)  
150.415 Tax Collection Brackets for a 2-1/2% Rate of Tax (Repealed)  
150.420 Tax Collection Brackets for a 2-3/4% Rate of Tax (Repealed)  
150.425 Tax Collection Brackets for a 3% Rate of Tax (Repealed)  
150.430 Tax Collection Brackets for a 3-1/8% Rate of Tax (Repealed)  
150.435 Tax Collection Brackets for a 3-1/4% Rate of Tax (Repealed)  
150.440 Tax Collection Brackets for a 3-1/2% Rate of Tax (Repealed)  
150.445 Tax Collection Brackets for a 3-3/4% Rate of Tax (Repealed)  
150.450 Tax Collection Brackets for a 4% Rate of Tax (Repealed)  
150.455 Tax Collection Brackets for a 4-1/8% Rate of Tax (Repealed)  
150.460 Tax Collection Brackets for a 4-1/4% Rate of Tax (Repealed)  
150.465 Tax Collection Brackets for a 4-1/2% Rate of Tax (Repealed)  
150.470 Tax Collection Brackets for a 4-3/4% Rate of Tax (Repealed)  
150.475 Tax Collection Brackets for a 5% Rate of Tax (Repealed)  
150.480 Tax Collection Brackets for a 5-1/8% Rate of Tax (Repealed)  
150.485 Tax Collection Brackets for a 5-1/4% Rate of Tax (Repealed)  
150.490 Tax Collection Brackets for a 5-1/2% Rate of Tax (Repealed)  
150.495 Tax Collection Brackets for a 5-3/4% Rate of Tax (Repealed)  
150.500 Tax Collection Brackets for a 6% Rate of Tax (Repealed)  
150.505 Optional 1% Schedule (Repealed)  
150.510 Exact Collection of Tax Required When Practicable  
150.515 Prohibition Against Retailer's Representing That He Will Absorb The Tax  
150.520 Display of Tax Collection Schedule (Repealed)  
150.525 Methods for Calculating Tax on Sales of Items Subject to Differing Tax Rates  
SUBPART E: RECEIPT FOR THE TAX  
Section  
150.601 Requirements  
SUBPART F: SPECIAL INFORMATION FOR TAXABLE USERS  
Section  
150.701 When and Where to File a Return  
150.705 Use Tax on Items that are Titled or Registered in Illinois  
150.710 Procedure in Claiming Exemption from Use Tax  
150.715 Receipt for Tax or Proof of Exemption Must Accompany Application for Title or Registration  
150.716 Display Certificates for House Trailers  
150.720 Issuance of Title or Registration Where Retailer Fails or Refuses to Remit Tax Collected by Retailer from User  
150.725 Direct Payment of Tax by User to Department on Intrastate Purchase Under Certain Circumstances  
150.730 Direct Reporting of Use Tax to Department by Registered Retailers

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

SUBPART G: REGISTRATION OF OUT-OF-STATE RETAILERS  
Section  
150.801 When Out-of-State Retailers Must Register and Collect Use Tax  
150.805 Voluntary Registration by Certain Out-of-State Retailers  
150.810 Incorporation by Reference  
SUBPART H: RETAILERS' RETURNS  
Section  
150.901 When and Where to File  
150.905 Deduction for Collecting Tax  
150.910 Incorporation by Reference  
150.915 Itemization of Receipts from Sales and the Tax Among the Different States from Which Sales are Made into Illinois  
SUBPART I: PENALTIES, INTEREST, STATUTE OF LIMITATIONS AND ADMINISTRATIVE PROCEDURES  
Section  
150.1001 General Information  
SUBPART J: TRADED-IN PROPERTY  
Section  
150.1101 General Information  
SUBPART K: INCORPORATION OF ILLINOIS RETAILERS' OCCUPATION TAX REGULATIONS BY REFERENCE  
Section  
150.1201 General Information  
SUBPART L: BOOKS AND RECORDS  
Section  
150.1301 Users' Records  
150.1305 Retailers' Records  
150.1310 Use of Signs to Prove Collection of Tax as a Separate Item  
150.1315 Consequence of Not Complying with Requirement of Collecting Use Tax Separately From the Selling Price  
150.1320 Incorporation by Reference  
SUBPART M: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX  
Section  
150.1401 Claims for Credit--Limitations--Procedure  
150.1405 Disposition of Credit Memoranda by Holders Thereof



## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

150.1410 Refunds  
150.1415 Interest

## TABLE A Tax Collection Brackets

AUTHORITY: Implementing the Use Tax Act [35 ILCS 105] and authorized by Section 2505-90 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-90].

SOURCE: Adopted August 1, 1955; amended at 4 Ill. Reg. 24, p. 553, effective June 1, 1980; amended at 5 Ill. Reg. 5351, effective April 30, 1981; amended at 5 Ill. Reg. 11072, effective October 6, 1981; codified at 6 Ill. Reg. 9326; amended at 8 Ill. Reg. 3704, effective March 12, 1984; amended at 8 Ill. Reg. 7278, effective May 11, 1984; amended at 8 Ill. Reg. 8623, effective June 5, 1984; amended at 11 Ill. Reg. 6275, effective March, 20, 1987; amended at 14 Ill. Reg. 6835, effective April 19, 1990; amended at 15 Ill. Reg. 5861, effective April 5, 1991; emergency amendment at 16 Ill. Reg. 14889, effective September 9, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 1947, effective February 2, 1993; amended at 18 Ill. Reg. 1584, effective January 13, 1994; amended at 20 Ill. Reg. 7019, effective May 7, 1996; amended at 20 Ill. Reg. 16224, effective December 16, 1996; amended at 22 Ill. Reg. 21670, effective November 25, 1998; amended at 24 Ill. Reg. 10728, effective July 7, 2000; amended at 25 Ill. Reg. 953, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1821, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 5059, effective March 23, 2001; amended at 25 Ill. Reg. 6540, effective May 3, 2001; amended at 25 Ill. Reg. 10937, effective August 13, 2001; amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART C: KINDS OF USES AND USERS NOT TAXED

## Section 150.310 Exemptions to Avoid Multi-State Taxation

a) To prevent actual or likely multi-state taxation, the tax shall not apply to the use of tangible personal property in this State under the following circumstances:

- 1) The use, in this State, of tangible personal property acquired outside this State by a nonresident individual and brought into this State by such individual for his or her own use while temporarily within this State or while passing through this State:
- 2) the use, in this State, of tangible personal property by an interstate carrier for hire as rolling stock moving in interstate commerce; or by lessors under a lease of one year or longer executed or in effect at the time of purchase of tangible personal property to interstate carriers for hire for use as rolling stock moving in interstate commerce as long as so used by such interstate carriers for hire. When tangible personal

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

property is purchased by a lessor, under a lease for one year or longer, executed or in effect at the time of purchase to an interstate carrier for hire, who did not pay Use Tax to the retailer, such lessor (by the last day of the month following the calendar month in which such property reverts to the use of such lessor) shall file a return with the Department and pay the tax upon the fair market value of such property on the date of such reversion. For more details concerning this exemption, see 86 Ill. Adm. Code 130.340 of the Retailers' Occupation Tax Regulations; the same principles apply for Use Tax purposes; 3) the use, in this State, of tangible personal property that which is acquired outside this State and caused to be brought into this State by a person who has already paid a tax in another state in respect to this sale, purchase or use of that such property, to the extent of the amount of the such tax properly due and paid in the such other state; for this purpose, "state" includes the District of Columbia [35 ILCS 105/3-55(d)];

4) the temporary storage, in this State, of tangible personal property which is acquired outside this State and which, subsequent to being brought into this State and stored here temporarily, is used solely outside this State or is physically attached to or incorporated into other tangible personal property that is used solely outside this State, or is altered by converting, fabricating, manufacturing, printing, processing or shaping, and, as altered, is used solely outside this State; 5) the temporary storage in this State of building materials and fixtures which are acquired either in this State or outside this State by an Illinois registered combination retailer and construction contractor, and which such purchaser thereafter uses outside this State by incorporating such property into real estate located outside this State;

6) beginning on January 1, 2002, the use of tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. [35 ILCS 105/3-55(j)]

A) "Centralized purchasing" means the procurement of tangible personal property by persons who purchase tangible personal property solely for use or consumption outside Illinois, who take delivery of that tangible personal property in Illinois and who temporarily store that tangible personal property in Illinois prior to transporting it outside the State for use

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

or consumption solely outside Illinois.

i) For example, a business that maintains offices in several states and maintains storage facilities in Illinois purchases office equipment from an Illinois retailer, takes delivery of those items in Illinois and then stores them at its Illinois warehouse until they are shipped to its offices outside Illinois for use there can qualify for the exemption.

ii) For example, a lessor that purchases an item from an Illinois retailer specifically to fulfill its obligations under an existing lease with a lessee located outside Illinois, takes delivery of that item in Illinois and then stores that item at an Illinois warehouse until it is shipped to its lessee's out-of-State location can qualify for the exemption so long as the item is used solely outside Illinois.

iii) However, a lessor who purchases an item that is not dedicated to an existing lease with an out-of-State lessee, takes delivery of that item in Illinois and then places it in an Illinois rental inventory cannot qualify for the exemption even if the item is subsequently leased to an out-of-State lessee. This is true because, in Illinois, lessors are deemed to be the users of items purchased for rental inventories and placing an item in a rental inventory does not constitute storage.

B) Persons who wish to take advantage of this expanded temporary storage exemption must apply in writing to the Department to obtain an Expanded Temporary Storage Permit.

C) Persons holding a valid Expanded Temporary Storage Permit may claim the expanded temporary storage exemption by providing their Illinois suppliers with a certification that the tangible personal property received in Illinois will be temporarily stored in Illinois for the purpose of being subsequently transported outside this State for use or consumption thereafter solely outside this State or for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. Such certification must include the purchaser's Expanded Temporary Storage Permit number.

i) If all of an Expanded Temporary Storage Permit holder's purchases qualify for the expanded temporary storage exemption, the Expanded Temporary Storage Permit holder may provide his supplier a blanket certificate of expanded temporary storage.

ii) If an Expanded Temporary Storage Permit holder knows

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

that a certain percentage of all his purchases from a given seller will qualify for the expanded temporary storage exemption, he may provide a blanket certificate of expanded temporary storage stating that a designated percentage of purchases qualify for the expanded temporary storage exemption.

D) In the event that tangible personal property for which the expanded temporary storage exemption has been claimed does not qualify for the exemption, the purchaser shall pay the tax that would have been due, in the same form that the retailer would have paid the tax (i.e., Retailers' Occupation Tax and local Retailers' Occupation Tax, if applicable), at the rate applicable at the location of the retailer from which the tangible personal property was purchased. For example, if tangible personal property purchased from a retailer in Naperville is temporarily stored in Illinois, then, instead of being transported outside the State for use or consumption, is used in Illinois, tax will be due at the retailer's rate applicable in Naperville. Or, if tangible personal property purchased from a retailer in Naperville is temporarily stored in Illinois and transported outside this State for use or consumption, but subsequently returned to Illinois and used here, tax will be due at the retailer's rate applicable in Naperville.

b) Since exemptions described in subsections (a)(1), (3) and (4) immediately--above do not exist as far as the Retailers' Occupation Tax is concerned, and since it would therefore serve no purpose to say that the exemptions exist for Use Tax purposes insofar as the seller is merely collecting Use Tax to reimburse himself for Retailers' Occupation Tax on the same transaction, the Department believes that the legislative intention in these references to the acquisition of tangible personal property outside this State was to make the references apply to cases in which the only tax liability that could be involved is Use Tax liability.

c) Therefore, exemptions described in subsections (a)(1), (3) and (4) above would not apply except when the tangible personal property is acquired outside Illinois by the purchaser in such a way that there is no Retailers' Occupation Tax liability on the part of the seller in the same transaction.

d) For information as to when sellers do or do not incur Retailers' Occupation Tax liability when shipping the tangible personal property from outside Illinois, see Section 130.610 of the Retailers' Occupation Tax Regulations.

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) The Code Citation: 80 Ill. Adm. Code 310
- 3) 

<u>Section Number:</u>	<u>Adopted Action:</u>
310.110	Amendment
310.130	Amendment
310.280	Amendment
310.290	Amendment
310.530	Amendment
310.540	Amendment
APPENDIX B	Amendment
APPENDIX C	Amendment
APPENDIX D	Amendment
APPENDIX G	Amendment
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a]
- 5) Effective Date of Amendments: November 20, 2001
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposals Published in the Illinois Register: May 4, 2001, Issue #18, 25 Ill. Reg. 5774; June 8, 2001, Issue #23, 25 Ill. Reg. 7008; and July 20, 2001, Issue #29, 25 Ill. Reg. 8911
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version? None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? Yes (25 Ill. Reg. 9336)
- 14) Are there any proposed amendments pending on this Part? Yes
- | <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Ill. Register Citation</u> |
|------------------------|------------------------|-------------------------------|
| 310.280                | Amend                  | 25 Ill. Reg. 9799, 08/03/01   |
| 310.230                | Amend                  | 25 Ill. Reg. 11958, 09/21/01  |

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 310.270 Amend 25 Ill. Reg. 11958, 09/21/01
- 310.280 Amend 25 Ill. Reg. 11958, 09/21/01
- 310.280 Amend 25 Ill. Reg. 12463, 10/05/01
- 310.50 Amend 25 Ill. Reg. 14534, 11/16/01
- 310.80 Amend 25 Ill. Reg. 14534, 11/16/01
- 310.90 Amend 25 Ill. Reg. 14534, 11/16/01
- 310.100 Amend 25 Ill. Reg. 14534, 11/16/01
- TABLE K Amend 25 Ill. Reg. 14534, 11/16/01
- TABLE P Amend 25 Ill. Reg. 14534, 11/16/01
- 15) Summary and Purpose of Amendments: In Section 310.280, Designated Rate, two Public Service Administrator positions (37015-25-61-140-90-01 and 37015-16-23-120-00-01) were added with the annual salaries of \$74,904 and \$85,104, at the requests of the Department of Revenue and the Department of Children and Family Services, respectively.

In Sections 310.110 (Implementation of Pay Plan Changes for Fiscal Year 2002), 310.130 (Effective Date), 310.530 (Implementation) and 310.540 (Annual Merit Increase Guide-chart for Fiscal Year 2002), the dates were revised to reflect the new fiscal year 2002.

In Section 310.290, Out-of-State or Foreign Service Rate, the salary ranges for the Out-of-State titles were upgraded to maintain the same differential above the revised Schedule of Salary Grades and Merit Compensation.

In Appendix B, the salary ranges for the Schedule of Salary Grades were upgraded by 3.75% with a minimum of \$100 per month. The new Step 8 will become effective January 1, 2002.

In Appendices C, D and G, the salary ranges for the Medical Administrator Rates, Merit Compensation System Salary Schedule and Broad-Band Pay Range Classes Salary Schedule were upgraded to reflect an increase of 3.75% for Fiscal Year 2002.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Michael Murphy  
Department of Central Management Services  
Division of Technical Services  
504 William G. Stratton Building  
Springfield, Illinois 62706  
(217) 782-5601
- The full text of the adopted amendment begins on the next page:

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND

POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

## SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2002 2001
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

## SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

## SUBPART C: MERIT COMPENSATION SYSTEM

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 2002 2001
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

## APPENDIX A

	Negotiated Rates of Pay
TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU) (Repealed)
TABLE C	RC-069 (Firefighters, AFSCME) (Repealed)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, IFPE)
TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	RC-008 (Boilermakers)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
TABLE Q	RC-033 (Meat Inspectors, IFPE)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
TABLE T	HR-010 (Teachers of Deaf, IFT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections, Meet and Confer Employees)



DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TABLE W RC-062 (Technical Employees, AFSCME)  
TABLE X RC-063 (Professional Employees, AFSCME)  
TABLE Y RC-063 (Educators, AFSCME)  
TABLE Z RC-063 (Physicians, AFSCME)  
APPENDIX B Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 2002 2001  
APPENDIX C Medical Administrator Rates for Fiscal Year 2002 2001  
APPENDIX D Merit Compensation System Salary Schedule for Fiscal Year 2002 2001  
APPENDIX E Teaching Salary Schedule (Repealed)  
APPENDIX F Physician and Physician Specialist Salary Schedule (Repealed)  
APPENDIX G Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2002 2001

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; peremptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; peremptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; peremptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective NOV 20 2001.

## SUBPART A: NARRATIVE

## Section 310.110 Implementation of Pay Plan Changes for Fiscal Year 2002 2001

The rates of pay for all employees occupying positions subject to the Schedule of Salary Grades shall be as set out in Appendix B, Schedule of Salary Grades -- Monthly Rates of Pay for Fiscal Year 2002 2001.

(Source: Amended at 25 Ill. Reg. 15560, effective NOV 20 2001)

## Section 310.130 Effective Date

~~This the--effective--date--of--this~~ Pay Plan Narrative (Subpart A), Schedule of Rates (Subpart B), and Schedule of Salary Grades (Appendix B); shall be effective for Fiscal Year 2002 July-17-2000.

(Source: Amended at 25 Ill. Reg. 15560, effective NOV 20 2001)

## SUBPART B: SCHEDULE OF RATES

## Section 310.280 Designated Rate

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

The rate of pay for a specific position or class of positions where it is deemed desirable to exclude such from the other requirements of this Pay Plan shall be only as designated by the Governor.

Department of Children & Family ServicesPublic Service Administrator

(Pos. No. 37015-16-23-120-00-01)

Annual Salary  
85,104

Department of Commerce & Community AffairsPublic Information Officer IV

(Pos. No. 37004-42-00-005-10-01)

Annual Salary  
64,932

Public Service Administrator

(Pos. No. 37015-42-35-110-10-03)

Annual Salary  
78,612

Public Service Administrator

(Pos. No. 37015-42-35-140-20-01)

Annual Salary  
87,720

Department of Human ServicesMedical Administrator I, Option D

(Pos. No. 26401-10-79-006-00-21)

Annual Salary  
142,368

Public Service Administrator

(Pos. No. 37015-10-23-100-30-01)

Annual Salary  
76,572

Senior Public Service Administrator

(Pos. No. 40070-10-65-000-00-01)

Annual Salary  
105,475

Senior Public Service Administrator

(Pos. No. 40070-10-81-920-00-21)

Annual Salary  
105,480

Illinois State and Local Labor Relations BoardPrivate Secretary II

(Pos. No. 34202-50-19-000-00-01)

Annual Salary  
51,900

Department of Natural ResourcesAdministrative Assistant II

(Pos. No. 00502-12-30-000-20-01)

Annual Salary  
50,520

Department of RevenueSenior Public Service Administrator

(Pos. No. 37015-25-61-140-80-01)

Annual Salary  
76,668

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Public Service Administrator  
(Pos. No. 37015-25-61-140-90-01)

Annual Salary  
74,904

Department of State Police

Senior Public Service Administrator  
(Pos. No. 40070-21-10-000-00-01)

Annual Salary  
109,358

(Source: Amended at 25 Ill. Reg. 15 5 6 0, effective  
April 26, 2001)

**Section 310.290 Out-of-State or Foreign Service Rate**

The rate of pay for employees occupying positions which require payment in accordance with the economic conditions and social legislation of another state or foreign country. An adjustment may be made to the salary of an employee stationed in a foreign country to compensate for a change in the currency exchange rate. The Director of the Department of Central Management Services will, before approving an adjustment, consider the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

Range  
Effective Fiscal  
Year 2002 2001

Title

Executive II (States Other Than California and New Jersey) (CA, NJ)	3151-56813037-5475 3562-64223433-6109
Foreign Service Economic Development Executive I	3709-68253455-6160
Foreign Service Economic Development Executive II	4751-89464424-0003
Foreign Service Economic Development Representative	3151-56812936-5200
Office Administrator IV (States Other Than California and New Jersey) (CA, NJ)	2477-42902307-3993 2800-48492600-4514
Office Assistant (Foreign Service)	2054-27171024-2461
Office Associate (States Other Than California and New Jersey) (CA, NJ)	2180-29341950-2675 2465-33162205-3024
Office Coordinator (States Other Than California and New Jersey)	2255-30512025-2791

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

(CA, NJ)

2549-34492209-3155

Public Service Administrator

(States Other Than California and New Jersey)  
(CA, NJ)

3321-72683094-6767  
3754-82163497-7649

Revenue Auditor I

(States Other Than California and New Jersey)  
(CA, NJ)

2990-42772760-3943  
3380-48353120-4450

Revenue Auditor II

(States Other Than California and New Jersey)  
(CA, NJ)

3457-50543217-4660  
3908-57143636-5260

Revenue Auditor III

(States Other Than California and New Jersey)  
(CA, NJ)

3854-56763509-5234  
4356-64174057-5916

Revenue Auditor Trainee

(States Other Than California and New Jersey)  
(CA, NJ)

2530-34902300-3215  
2860-39462600-3635

Revenue Tax Specialist I

(States Other Than California and New Jersey)  
(CA, NJ)

2530-34902300-3215  
2860-39462600-3635

Revenue Tax Specialist II

(States Other Than California and New Jersey)  
(CA, NJ)

2746-38622516-3562  
3104-43652044-4026

Revenue Tax Specialist Trainee

(States Other Than California and New Jersey)  
(CA, NJ)

2333-31822103-2921  
2638-35972370-3302

Senior Public Service Administrator

(States Other Than California and New Jersey)  
(CA, NJ)

4578-107574263-10010  
5175-121604019-11324

(Source: Amended at 25 Ill. Reg. 15 5 6 0, effective  
April 26, 2001)

## SUBPART C: MERIT COMPENSATION SYSTEM

**Section 310.530 Implementation**

- a) The salary schedule for the Merit Compensation System for Fiscal Year 2002 2001 will continue as set forth in Appendix D of the Pay Plan.
- b) The Merit Increase Guidechart for Fiscal Year 2002 2001 as set forth



DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

in Section 310.540 of the Pay Plan.

(Source: Amended at 25 Ill. Reg. 155603, effective 4/1/00)

Section 310.540 Annual Merit Increase Guidechart for Fiscal Year 2002 2001

Category	Definition	Increase
Category 1	Exceptional	0% to 5%+\$125
Category 2	Accomplished	0% to 3%+\$125
Category 3	Acceptable	0% to 3%
Category 4	Unacceptable	\$0

(Source: Amended at 25 Ill. Reg. 155603, effective 4/1/00)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 310.540 APPENDIX B Schedule of Salary Grades --- Monthly Rates of Pay for Fiscal Year 2002 2001

Salary Grade	Step 1c	Step 1b	Step 1a	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Eff. 1/1/02
1	1563	1604	1646	1689	1735	1777	1822	1874	1918	1998	2018	
2	1605	1647	1690	1735	1777	1822	1876	1924	1972	2053	2074	
3	1643	1686	1731	1777	1822	1877	1927	1976	2027	2121	2142	
4	1684	1729	1775	1822	1877	1931	1980	2041	2090	2188	2210	
5	1735	1781	1828	1877	1933	1991	2048	2102	2158	2255	2278	
6	1786	1834	1883	1933	1992	2050	2114	2173	2237	2340	2363	
7	1840	1889	1940	1992	2053	2119	2184	2249	2317	2430	2454	
8	1896	1947	1999	2053	2124	2193	2269	2335	2408	2526	2551	
9	1961	2014	2068	2124	2196	2274	2349	2429	2505	2627	2653	
10	2029	2084	2141	2199	2286	2361	2443	2523	2606	2740	2767	
11	2110	2167	2226	2287	2373	2454	2545	2633	2715	2859	2888	
12	2200	2260	2322	2386	2478	2564	2663	2751	2852	3005	3035	
13	2287	2350	2415	2481	2576	2678	2779	2880	2987	3154	3186	
14	2388	2454	2522	2592	2694	2799	2921	3027	3143	3325	3358	
15	2485	2554	2625	2698	2815	2932	3048	3172	3290	3487	3522	
16	2600	2672	2746	2824	2951	3080	3210	3343	3477	3682	3719	
17	2717	2794	2875	2958	3096	3239	3375	3511	3654	3872	3911	
18	2856	2939	3024	3113	3265	3416	3571	3718	3867	4097	4138	
19	3006	3094	3186	3282	3450	3612	3780	3938	4103	4351	4395	
20	3174	3270	3368	3468	3643	3813	3993	4167	4338	4603	4649	

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

21	3351	3453	3556	3661	3849	4036	4225	4417	4600	4887	4936
22	3542	3649	3759	3871	4072	4272	4473	4680	4876	5178	5230
23	3759	3871	3987	4106	4324	4545	4760	4980	5197	5523	5578
24	3999	4119	4242	4370	4602	4842	5075	5310	5550	5897	5956
25	4262	4390	4521	4657	4913	5171	5429	5688	5946	6328	6391

Schedule of Salary Grades (Alternative Retirement Formula only)  
- Monthly Rates of Pay for Fiscal Year 2002

Salary Grade	Step 1c	Step 1b	Step 1a	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Eff. 1/1/02
1a	1604	1646	1689	1734	1781	1824	1871	1924	1970	2052	2073
2a	1647	1690	1735	1781	1824	1871	1926	1976	2025	2109	2130
3a	1686	1731	1777	1824	1871	1927	1979	2029	2082	2179	2201
4a	1729	1775	1822	1871	1927	1983	2033	2096	2147	2248	2270
5a	1781	1828	1877	1927	1985	2045	2103	2159	2217	2317	2340
6a	1834	1883	1933	1985	2046	2106	2171	2232	2298	2404	2428
7a	1889	1940	1992	2046	2109	2177	2244	2310	2381	2497	2522
8a	1947	1999	2053	2109	2182	2253	2331	2399	2474	2596	2622
9a	2014	2068	2124	2182	2256	2336	2413	2496	2574	2700	2727
10a	2084	2141	2199	2259	2349	2426	2510	2593	2678	2818	2846
11a	2167	2226	2287	2350	2438	2522	2615	2706	2791	2942	2971
12a	2260	2322	2386	2452	2546	2635	2737	2830	2934	3093	3124
13a	2350	2415	2481	2549	2647	2752	2859	2963	3073	3248	3280
14a	2454	2522	2592	2664	2769	2880	3005	3118	3238	3426	3460
15a	2554	2625	2698	2773	2896	3017	3138	3268	3388	3591	3627

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

16a	2672	2746	2824	2906	3036	3173	3307	3442	3581	3793	3831
17a	2794	2875	2958	3044	3188	3336	3476	3617	3764	3988	4028
18a	2939	3024	3113	3207	3364	3519	3679	3830	3983	4220	4262
19a	3094	3186	3282	3380	3553	3719	3894	4057	4227	4482	4527
20a	3270	3368	3468	3572	3752	3928	4114	4291	4470	4742	4789
21a	3453	3556	3661	3771	3965	4156	4351	4548	4738	5034	5084
22a	3649	3759	3871	3987	4195	4400	4607	4820	5023	5334	5387
23a	3871	3987	4106	4230	4454	4682	4903	5129	5352	5688	5745
24a	4119	4242	4370	4502	4741	4987	5228	5469	5716	6075	6136
25a	4390	4521	4657	4796	5060	5325	5592	5859	6124	6518	6583

Maximum Security Institutions Schedule  
Effective July 1, 2002

Salary Grade	Step 1c	Step 1b	Step 1a	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Eff. 1/1/02
1m	1655	1698	1741	1785	1833	1876	1922	1976	2021	2103	2124	
2m	1699	1742	1786	1833	1876	1922	1978	2027	2077	2160	2182	
3m	1738	1782	1828	1876	1922	1979	2030	2081	2133	2230	2252	
4m	1780	1826	1874	1922	1979	2034	2085	2148	2198	2299	2322	
5m	1833	1880	1928	1979	2036	2096	2155	2211	2268	2368	2392	
6m	1885	1935	1985	2036	2097	2157	2223	2284	2350	2456	2481	
7m	1941	1991	2044	2097	2160	2228	2295	2362	2432	2548	2573	
8m	1998	2051	2104	2160	2233	2304	2383	2451	2526	2647	2673	
9m	2065	2120	2176	2233	2307	2388	2465	2547	2626	2751	2779	
10m	2135	2192	2251	2310	2400	2477	2562	2644	2730	2872	2901	



DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

11m	2219	2278	2338	2401	2490	2573	2667	2757	2845	2995	3025
12m	2312	2373	2437	2503	2598	2686	2789	2883	2988	3148	3179
13m	2401	2466	2533	2601	2699	2805	2913	3017	3129	3304	3337
14m	2505	2573	2743	2715	2822	2933	3059	3172	3292	3480	3515
15m	2605	2676	2749	2826	2950	3070	3194	3322	3443	3647	3683
16m	2724	2799	2878	2959	3091	3229	3362	3498	3637	3847	3885
17m	2847	2928	3012	3098	3244	3392	3532	3673	3819	4044	4084
18m	2992	3077	3169	3261	3419	3575	3734	3885	4039	4275	4318
19m	3149	3242	3338	3435	3609	3774	3949	4113	4282	4537	4582
20m	3324	3424	3524	3627	3807	3983	4169	4347	4524	4796	4844
21m	3507	3612	3717	3827	4020	4211	4407	4604	4793	5089	5140
22m	3704	3813	3927	4043	4249	4456	4661	4875	5079	5389	5443
23m	3927	4043	4162	4285	4509	4736	4958	5185	5408	5744	5801
24m	4174	4298	4425	4558	4795	5042	5283	5525	5772	6130	6191
25m	4446	4576	4713	4852	5116	5380	5647	5914	6179	6573	6639
Salary Grade	1c	1b	1a	1	2	3	4	5	6	7	
1	1463	1584	1546	1589	1635	1677	1722	1774	1818	1898	
2	1585	1547	1598	1635	1677	1722	1776	1824	1872	1953	
3	1543	1586	1631	1677	1722	1777	1827	1876	1927	2021	
4	1584	1629	1675	1722	1777	1831	1880	1941	1998	2088	
5	1635	1681	1728	1777	1833	1891	1948	2002	2058	2155	
6	1686	1734	1783	1833	1892	1958	2014	2073	2137	2248	
7	1748	1789	1848	1892	1953	2019	2084	2149	2217	2338	
8	1796	1847	1899	1953	2024	2093	2169	2235	2308	2426	

Schedule-of-Salary-Grades-(Alternative-Retirement-Formula-only)---Monthly-Rates  
of-Pay-for-Fiscal-Year-2001

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

9	1861	1914	1968	2024	2096	2174	2249	2329	2485	2527	
10	1929	1984	2041	2099	2186	2261	2343	2423	2586	2648	
11	2018	2067	2126	2187	2273	2354	2445	2533	2615	2756	
12	2188	2168	2222	2286	2378	2464	2563	2651	2749	2896	
13	2187	2258	2315	2381	2476	2578	2679	2776	2879	3048	
14	2288	2354	2422	2492	2594	2698	2815	2918	3029	3285	
15	2385	2454	2525	2598	2713	2826	2938	3057	3171	3361	
16	2588	2572	2646	2722	2844	2969	3094	3222	3351	3549	
17	2617	2693	2771	2851	2984	3122	3253	3384	3522	3732	
18	2753	2833	2915	3008	3147	3293	3442	3584	3727	3949	
19	2897	2982	3071	3163	3325	3481	3643	3796	3955	4194	
20	3059	3152	3246	3343	3511	3675	3849	4016	4181	4437	
21	3238	3328	3427	3529	3718	3898	4072	4257	4434	4718	
22	3414	3517	3623	3731	3925	4118	4311	4511	4788	4991	
23	3623	3731	3843	3958	4168	4381	4588	4808	5089	5323	
24	3854	3978	4089	4212	4436	4667	4892	5118	5349	5684	
25	4188	4231	4358	4489	4735	4984	5233	5482	5731	6099	
Salary Grade	1c	1b	1a	1	2	3	4	5	6	7	
1a	1584	1546	1589	1634	1681	1724	1771	1824	1878	1952	
2a	1547	1598	1635	1681	1724	1771	1826	1876	1925	2089	
3a	1586	1631	1677	1724	1771	1827	1879	1929	1982	2079	
4a	1629	1675	1722	1771	1827	1883	1933	1996	2047	2148	

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

5a	1601	1720	1777	1827	1885	1945	2003	2059	2117	2217	
6a	1734	1783	1833	1885	1946	2006	2071	2132	2198	2384	
7a	1789	1848	1892	1946	2009	2077	2144	2210	2281	2397	
8a	1847	1899	1953	2009	2082	2153	2231	2299	2374	2496	
9a	1914	1968	2024	2082	2156	2236	2313	2396	2474	2600	
10a	1984	2041	2099	2159	2249	2326	2410	2493	2578	2716	
11a	2067	2126	2187	2250	2330	2422	2515	2606	2690	2836	
12a	2160	2222	2286	2352	2446	2535	2637	2728	2828	2981	
13a	2250	2315	2381	2449	2547	2652	2756	2856	2962	3131	
14a	2354	2422	2492	2564	2669	2776	2896	3085	3121	3302	
15a	2454	2525	2598	2673	2791	2908	3025	3150	3266	3461	
16a	2572	2646	2722	2801	2926	3050	3107	3318	3452	3656	
17a	2693	2771	2851	2934	3073	3215	3350	3486	3628	3844	
18a	2833	2915	3008	3091	3242	3392	3546	3692	3839	4067	
19a	2982	3071	3163	3258	3425	3585	3753	3910	4074	4320	
20a	3152	3246	3343	3443	3616	3786	3965	4136	4307	4571	
21a	3328	3427	3529	3635	3822	4006	4194	4384	4567	4852	
22a	3517	3623	3731	3843	4043	4241	4440	4646	4841	5141	
23a	3731	3843	3958	4077	4293	4513	4726	4944	5159	5482	
24a	3970	4089	4212	4339	4570	4807	5039	5271	5509	5855	
25a	4231	4358	4489	4623	4877	5133	5390	5647	5903	6282	

Maximum-Security-Institutions-Schedule  
Effective-July-17-2000

Salary Grade	Step 1a	Step 1b	Step 1c	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
--------------	---------	---------	---------	--------	--------	--------	--------	--------	--------

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

1m	1555	1598	1641	1685	1733	1776	1822	1876	1921	2003	
2m	1599	1642	1686	1733	1776	1822	1878	1927	1977	2060	
3m	1638	1682	1728	1776	1822	1879	1930	1981	2033	2130	
4m	1680	1726	1774	1822	1879	1934	1985	2040	2098	2199	
5m	1733	1780	1828	1879	1936	1996	2055	2111	2168	2268	
6m	1785	1835	1885	1936	1997	2057	2123	2184	2258	2356	
7m	1841	1891	1944	1997	2060	2128	2195	2262	2332	2448	
8m	1898	1951	2004	2060	2133	2204	2283	2351	2426	2547	
9m	1965	2028	2076	2133	2207	2288	2365	2447	2526	2651	
10m	2035	2092	2151	2210	2300	2377	2462	2544	2630	2768	
11m	2119	2178	2238	2301	2390	2473	2567	2657	2742	2887	
12m	2212	2273	2337	2403	2498	2586	2680	2779	2880	3034	
13m	2301	2366	2433	2501	2599	2704	2808	2908	3016	3185	
14m	2405	2473	2543	2615	2720	2827	2948	3057	3173	3354	
15m	2505	2576	2649	2724	2843	2959	3079	3202	3319	3515	
16m	2624	2698	2774	2852	2979	3112	3240	3372	3506	3788	
17m	2744	2822	2903	2986	3127	3269	3404	3540	3681	3898	
18m	2884	2966	3054	3143	3295	3446	3599	3745	3893	4120	
19m	3035	3125	3217	3311	3479	3638	3806	3964	4127	4373	
20m	3204	3300	3397	3496	3669	3839	4018	4190	4360	4623	
21m	3380	3481	3583	3689	3875	4059	4248	4438	4620	4985	
22m	3570	3675	3785	3897	4095	4295	4493	4699	4895	5194	
23m	3785	3897	4012	4130	4346	4565	4779	4998	5213	5536	
24m	4023	4143	4265	4393	4622	4860	5092	5325	5563	5908	



DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

25m 4285 4411 4543 4677 4931 5106 5443 5780 5956 6335  
(Source: Amended at 25 Ill. Reg. 15560, effective  
NOV 20 2001 )

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 310.APPENDIX C Medical Administrator Rates for Fiscal Year 2002 2001

Title	Minimum Salary	Midpoint Salary	Maximum Salary
Medical Administrator I, Option C	7798	9487	11176
Medical Administrator I, Option D	8708	10445	12182
Medical Administrator II, Option C	8427	10147	11867
Medical Administrator II, Option D	9676	11472	13268
Medical Administrator III	10020	11988	13956
Medical Administrator IV	10182	12150	14118
Medical Administrator V	10346	12316	14286
Medical-Administrator-I, --Option-E	7516	9144	10772
Medical-Administrator-II, --Option-B	8393	10067	11741
Medical-Administrator-III, --Option-E	8122	9780	11430
Medical-Administrator-III, --Option-B	9326	11057	12780
Medical-Administrator-III	9658	11555	13452
Medical-Administrator-IV	9814	11711	13608
Medical-Administrator-V	9972	11871	13770

The rates of pay for physicians occupying or appointed to a position in the Medical Administrator classes shall be as listed in the above schedule. All provisions of Subpart C of the Pay Plan, Merit Compensation System will apply to the Medical Administrator positions.

(Source: Amended at 25 Ill. Reg. 15560, effective NOV 20 2001 )

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

Section 310.APPENDIX D Merit Compensation System Salary Schedule for Fiscal Year 2002 2001

Salary Range	Minimum Salary	Midpoint Salary	Maximum Salary
MC 01	2065	2799	3533
MC 02	2154	2942	3730
MC 03	2258	3113	3968
MC 04	2360	3258	4156
MC 05	2478	3451	4424
MC 06	2604	3623	4642
MC 07	2740	3840	4940
MC 08	2888	4074	5260
MC 09	3053	4302	5551
MC 10	3225	4580	5935
MC 11	3406	4863	6320
MC 12	3617	5189	6761
MC 13	3863	5547	7231
MC 14	4131	5955	7779
MC 15	4434	6384	8334
MC 16	4747	6859	8971
MC 17	5122	7403	9684
MC 18	5521	7725	9929
MC 19	5963	8061	10159
ME-01	1990	2697	3404
ME-02	2076	2835	3594
ME-03	2176	3008	3824

ME-04	2275	3140	4005
ME-05	2388	3323	4250
ME-06	2510	3492	4474
ME-07	2641	3701	4761
ME-08	2704	3927	5070
ME-09	2943	4146	5349
ME-10	3108	4414	5720
ME-11	3203	4687	6091
ME-12	3486	5081	6516
ME-13	3723	5346	6969
ME-14	3982	5740	7490
ME-15	4274	6153	8032
ME-16	4575	6611	8647
ME-17	4937	7135	9333
ME-18	5321	7445	9569
ME-19	5747	7769	9791

(Source: Amended at 25 Ill. Reg. 15560, effective NOV 20 2001)



DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 310. APPENDIX G Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2002 2001

Title	Minimum Salary	Maximum Salary
Human Resources Representative	2154	4156
Human Resources Specialist	2478	4940
Public Service Administrator	2888	6320
Residential Services Supervisor	2154	4156
Senior Public Service Administrator	3981	9354
Site Superintendent	2478	4940
Human-Resources-Representative	2876	4885
Human-Resources-Specialist	2388	4761
Public-Service-Administrator	2784	6091
Residential-Services-Supervisor	2876	4885
Senior-Public-Service-Administrator	3837	9016
Site-Superintendent	2388	4761

(Source 2001 amended at 25 Ill. Reg. 15.560, effective 1-1-01)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Disabled Hunting Method Authorizations
- 2) Code Citation: 17 Ill. Adm. Code 760
- 3) Section Number: 760.30 Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 2.33 of the Wildlife Code [520 ILCS 5/2.33]
- 5) Effective Date of Amendment: November 21, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 14, 2001, 25 Ill. Reg. 11736
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part is being amended to allow Class A (permanent disability) standing vehicle permits to be issued to individuals who are unable to ambulate, or who suffer from cardiovascular or lung disease to the extent that they would otherwise be unable to hunt; and Class B (temporary disability) standing vehicle permits to individuals who are temporarily disabled and have restricted ambulation due to casts, surgery, illness or injury.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Jack Price  
Department of Natural Resources

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENT

524 S. Second Street, Room 430  
Springfield IL 62701-1787  
217/782-1809

The full text of the adopted amendment begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFE

PART 760  
DISABLED HUNTING METHOD AUTHORIZATIONS

## Section

760.10	Issuance of Permits
760.20	Crossbow Permits
760.30	Standing Vehicle Permits
760.40	Rejection of Application/Revocation of Permits

AUTHORITY: Implementing and authorized by Section 2.33 of the Wildlife Code [520 ILCS 5/2.33].

SOURCE: Adopted at 24 Ill. Reg. 4950, effective March 13, 2000; amended at 24 Ill. Reg. 19178, effective December 18, 2000; amended at 25 Ill. Reg. 6899, effective May 21, 2001; amended at 25 Ill. Reg. 15585, effective NOV 21 2001.

## Section 760.30 Standing Vehicle Permits

## a) Eligibility

1) Class A - Permanent Disability  
After proper application, the Department may issue a Class A permit to shoot from a standing vehicle to paraplegics or other persons, if the person meets any of the following: persons physically unable to walk due to a permanent disability.

A) has a permanent or irreversible physical disability, is unable to ambulate and requires a wheelchair, walker, one leg brace or external prosthesis above the knee, 2 leg braces or external prosthesis below the knees, 2 crutches or 2 canes for mobility;

B) suffers significantly from lung disease, to the extent that forced expiratory volume for one second when measured by spirometry is less than one liter or arterial oxygen tension is less than 60 millimeters of mercury on room air at rest;

OR

C) suffers significantly from cardiovascular disease, to the extent that functional limitations are classified in severity as class 3 or 4, according to the standards accepted by the American Heart Association on May 3, 1988, and where ordinary physical activity causes discomfort, fatigue, palpitation, dyspnea or anginal pain.

2) Class B - Temporary Disability  
After proper application, the Department may issue a Class B permit to shoot from a standing vehicle to persons who are



DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

temporarily disabled and have restricted ambulation due to: physically unable to walk due to a temporary disability; the licensed physician completing the medical portion of the application must provide an approximation of how long it will be before the applicant has sufficiently recovered to the point that he/she is no longer physically unable to walk.

A) a leg, hip or back, or any part thereof, casted by a licensed physician;

B) post-surgical effects of leg, hip or back surgery; or

C) illness or injury.

3) For the purposes of this Section, "physically unable to walk" shall mean that the applicant is incapable of walking more than 2 steps (4 feet).

b) Class A permits issued under this Section shall be valid for a period of 3 years from the date of issuance as specified on the permit. Class B permits issued under this Section shall be valid for a period of not more than 90 days from the date of issuance as specified on the permit.

c) Loss of the standing vehicle hunting permit shall require the holder to reapply.

d) Reapplication for a Class A permit will require the applicant to certify that he is still suffering from a permanent physical disability that renders him unable to walk. Reapplication for a Class B permit requires the same documentation as an original application.

e) Standing Vehicle Hunting Rules

1) Standing vehicle permit holders are authorized to shoot from a vehicle that is totally immobile with the engine turned off. When the vehicle is moving, guns must be unloaded and enclosed in a case, and bow and arrow devices unstrung, enclosed in a case or otherwise rendered inoperable, in accordance with Section 2.33(n) of the Wildlife Code [520 ILCS 5/2.33(n)]. Holders of Standing Vehicle Permits, who are in the field legally hunting pheasant, quail, Hungarian partridge or rabbit, shall be permitted to carry a loaded and uncased shotgun in or on a vehicle or conveyance in accordance with the provisions of 17 Ill. Adm. Code 530.10(b).

2) The standing vehicle permit applies only on private property where permission of the landowner has been obtained. It does not apply on public roadways. Persons wishing to shoot/hunt from a standing vehicle on Department-owned or managed properties must obtain permission from the Site Superintendent in accordance with 17 Ill. Adm. Code 110.

3) Season dates, hours, daily limits, possession limits, and all other requirements by law apply.

4) The issuance of a standing vehicle permit does not exempt the holder from the necessity of obtaining hunting licenses, stamps, or other permits as required by law.

5) The standing vehicle permit must be carried by the hunter while exercising this privilege and must be presented to any law

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

enforcement authority upon request.

(Source: Amended at 25 Ill. Reg. 15585, effective NOV 21 2001)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Definitions
- 2) Code Citation: 11 Ill. Adm. Code 210
- 3) Section Number: 210.10 Adopted Action: Amended
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: December 1, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 25 Ill. Reg. 10997 - 8/31/01
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking updates definitions pertaining to the changes in Part 603.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Mickey Ezzo  
Illinois Racing Board  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601  
(312) 814-5017

The full text of the adopted amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER a: GENERAL RULES
- PART 210  
DEFINITIONS
- Section  
210.10 Definitions
- AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].
- SOURCE: Adopted at 18 Ill. Reg. 2072, effective January 21, 1994; amended at 18 Ill. Reg. 17732, effective November 28, 1994; amended at 19 Ill. Reg. 13891, effective October 1, 1995; amended at 25 Ill. Reg. 15590, effective 01-1-2001.

Section 210.10 Definitions

"Act" - The Illinois Horse Racing Act of 1975.

"Added Money" - The money added by a racing association to the various fees paid by the owners of the horses nominated to, entered in and/or starting in a race.

"Added Money Early Closing Event" - A harness race closing in the same year in which it is to be contested in which all entrance and declaration fees received are added to the purse.

"Advanced Wagering" - Any wagering on a race or races to be conducted during a racing program before the next scheduled race.

"Age" - The age of a horse shall be reckoned from the first day of January of the year of foaling except: for foals born in November and December of any year, age shall be reckoned from January 1 of the succeeding year.

"Allowance" - Weights and other conditions of a race.

"Allowance Race" - A race, other than a claiming race, for which certain conditions of eligibility are established.

"Also Eligible" - A horse which has been entered in a race but is not permitted to start unless the number of entrants is reduced by scratches.



## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT

"Appeal" - A request for the Board to investigate, consider or review any decisions or rulings of the officials of a meeting or the decision of the Board itself.

"Applicant" - A person who applies for an organization or occupation license in a specified category or categories.

"Approximate odds" - The probable ratio of the pay-out price to a \$1 wager in the win pool in a pari-mutuel system.

"Arrears" - All monies owed by a licensee, including subscriptions, jockey fees, forfeitures, and any default incident to these rules.

"Association" - A person or business entity holding a license from the Board to conduct racing with pari-mutuel wagering.

"Association Grounds" - All areas used by a racing association in conducting a race meeting.

"Authorized Agent" - A person appointed by an owner or trainer in accordance with Board Rules, the appointment to be designated in a document signed by the owner or trainer, approved by the stewards, executed annually and filed with the Illinois Racing Board.

"Battery" - Any battery, buzzer, electrical, or mechanical device or other appliance, except for the ordinary whip, which can be used to stimulate or depress a horse or affect its speed in a race or workout.

"Beneficial Interest" - Profit, benefit or advantage resulting from a contract or an ownership interest in an estate as distinct from legal title or ownership, i.e., an interest as a devisee, legatee or donee solely for his own use or benefit and not as holder of title for use and benefit of another.

"Betting interest" - Horse, entry or field.

"Bleeder" - A horse that is examined by an official veterinarian following a race or workout and sheds blood from one or both nostrils or upon endoscopic examination shows observable amounts of free blood in the respiratory tract.

~~"Bleeder--list"---A tabulation of all bleeders to be maintained by the Board.~~

"Board" - Illinois Racing Board.

"Bookmaker" - A person who accepts wagers on racers other than through a pari-mutuel machine.

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT

"Breakage" - The odd cents by which the amount payable on each dollar wagered exceeds a multiple of 10¢.

"Breeder" - (Harness) The owner of a horse's dam at the time of breeding; (Thoroughbred) The owner of the horse's dam at the time of foaling.

"Canceled Ticket" - A ticket which represents a wager which has been canceled and withdrawn from the pari-mutuel pools.

"Carryover" - The total amount of non-distributed pool money in a pool which is retained and added to a corresponding pool in accordance with these rules.

"Cashed Ticket" - Any pari-mutuel ticket which is refunded or which is presented for payment of a winning wager and is paid.

"Cashier Accounting" - The record of teller activity by transaction and time of transaction.

"Central Processing Unit" - The main computer which controls and stores both programs and data.

"Civil Penalty" - A penalty imposed on a licensee for a violation of Board rules or the Act.

"Claim" - The act of an eligible owner requesting the stewards to order the sale of a horse in a claiming race to him/her for a predetermined amount; To request a weight allowance; To file a claim in a claiming race; To acquire a horse by claiming.

"Claimant" - A person or racing interest meeting one of the three criteria for claiming eligibility.

"Claim Form" - The form upon which an eligible owner agrees to purchase a horse from a claiming race.

"Claiming Price" - The predetermined price at which a horse in a claiming race must be sold if it is claimed.

"Claiming Race" - A race in which any horse starting may be purchased for a predetermined amount in conformance with the Rules and Regulations.

"Colt" - (Harness) An uncastrated horse under four years of age; (Thoroughbred) An uncastrated horse under five years of age.

"Computer Log Library" - A record of all operator initiated actions of

## ILLINOIS RACING BOARD

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT

## NOTICE OF ADOPTED AMENDMENT

the transaction processor.

a race after the closing of entries. (Synonym: scratch)

"Concessionaire" - An individual, firm, partnership, corporation, trustee or legal representative licensed to operate as a concessionaire to sell or provide food, beverages, programs, tip sheets or parking to the public at a race track in Illinois.

"Decoder" - A device and/or means to convert encrypted audio-visual signals and/or data into a form recognizable as the original content of the signals.

"Condition Book" - A booklet published by a thoroughbred racing association which sets out the conditions, purses and descriptions of future races. (Synonym: Condition Sheet)

"Disqualification" - The act of barring a person from acting as an official or from starting or driving a horse in a race. In the case of a horse, the act of barring it from starting or altering its finishing position for betting and purse purposes.

"Conditioned Race" - An overnight event to which entry eligibility is governed by previously specified qualifications.

"Disqualify" - To place a horse in a lower position, in the official order of finish in a race, than it actually finished due to an infraction of the rules.

"Condition Sheet" - A listing, written by the Racing Secretary, with the conditions a horse must meet in order to enter a particular race.

"Downlink" - A receiving antenna coupled with an audio-visual signal receiver compatible with and capable of receiving simultaneous audio-visual signals and/or data emanating from an organization licensee or track outside Illinois, and includes the electronic transfer of received signals from the receiving antenna to TV monitors within the inter-track wagering facility.

"Confirmed Test" - A second analytical procedure used to identify the presence of a specific drug or metabolite in a urine specimen.

"Early Closing Race" - A harness race to which entries close at least six weeks preceding the race.

"Console" - The totalizer status monitor which displays current race pool status information.

"Contest" - A competitive racing event on which pari-mutuel wagering is conducted.

"Eligible to Race" - Refers to a horse whose trainer has been granted stall space on association grounds; or has been approved to stable elsewhere and to ship in to race at a specific race meeting.

"Contestant" - An individual participant in a contest.

"Encryption" - The scrambling or other manipulations of the audio-visual signals to mask the original video content of the signal and so cause such signals to be indecipherable and unrecognizable to any person receiving such signal without a decoder.

"Controlled Substance" - Any substance listed in 21 USC § 812 (2) (B)-(C) ~~does not include any later amendments or editions~~.

"Coupled Entry" - Two or more contestants in a contest that are treated as a single betting interest for pari-mutuel wagering purposes. (Also see "Entry")

"Entry" - A horse that has been entered for a race; Two or more horses, owned by the same stable, or by husband and wife, or trained by the same trainer, that are coupled for the purpose of pari-mutuel betting as one betting interest.

"Dam" - The female parent.

"Equipment" - The items worn by or attached to a horse in a race.

"Day" - A 24 hour period beginning at 12:01 a.m. and ending at 12:00 midnight.

"Dead Heat" - A race in which two or more horses cross the finish line in a tie.

"Exclusion" - The act of barring from all or part of association grounds or the grounds under the jurisdiction of the Illinois Racing Board. Unless specified in the ruling, an exclusion is unconditional and encompasses all of the association grounds.

"Declaration" - (Harness) The process of entering a horse in a particular race. (Thoroughbred) The withdrawal of a horse entered for

"Exhibition Race" - A race on which no wagering is permitted.



## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT

"Expired Ticket" - An outstanding ticket that was not presented for redemption within the required time period for which it was issued.

"Extended Pari-Mutuel Meeting" - A meeting at which no agricultural fair is in progress, of more than 10 days annually, with pari-mutuel wagering.

"Field" - All the horses that compete in a race; A number of horses grouped together as an entry for the purpose of pari-mutuel betting.

"Filly" - (Thoroughbred) A female horse under five years of age. (Harness) A female horse under four years of age.

"Financial Interest" - An interest that could result in directly or indirectly receiving a pecuniary gain or sustaining a pecuniary loss as a result of ownership or interest in a horse or business entity; or as a result of salary, gratuity or other compensation or remuneration from any person. The lessee and lessor of a horse have financial interests.

"Finish Line" - A real or imaginary line, perpendicular to the race course, that marks the end of a race. (Synonyms: finish wire, wire)

"Flat Race" - A race in which horses mounted by jockeys run over a course on which no obstacles are placed.

"Foreign Substance" - All substances except those which exist naturally in the untreated horse of normal physiological concentrations or substances, or metabolites thereof which are contained in equine feeds or feed supplements but do not contain any pharmacodynamic and/or chemotherapeutic agents, or pharmaceutical aids.

"Foul" - An improper act committed by a jockey or a horse in the running of a race.

"Foul Claim" or "Claim of Foul" - An objection, alleging a foul, made to the stewards or their designee by a driver, jockey, owner or trainer of a horse involved in a race.

"Forfeit" - Money due from a licensee because of error, fault, neglect of duty, breach of contract or a penalty imposed by the stewards or the Board.

"Furosemide List" - A tabulation maintained by the Board of all horses approved to race with furosemide.

"Futurity" - (Harness) A stakes race in which the dam of the competing

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT

animal is nominated either when in foal or during the year of foaling. (Thoroughbred) A stakes race, for horses not older than three years of age, in which nominations are made before the horse becomes a three-year old.

"Gelding" - A castrated horse.

"Gender and Number" - Pronouns of one gender include the other; singular words include the plural and vice versa; unless the context clearly indicates otherwise.

"Gimmick Race" - A race on which a form of multiple wagering is conducted, such as Daily Double, Quinella, Exacta, Perfecta, Trifecta, etc.

"Guaranteed Stakes" - A stakes race with a guarantee by the party offering it that the sum paid shall not be less than the amount named (see Stakes Race).

"Guest Association" - An association that offers licensed pari-mutuel wagering on contests conducted by another association (the host) in either the same or another state.

"Handicap" - (Harness) A race in which starting positions are assigned on the basis of past performance so as to equalize the chance of all horses entered; (Thoroughbred) A race in which the weights carried by the entered horses are assigned by the Handicapper for the purpose of equalizing their respective chances of winning.

"Handicapper" - A person who assigns weights (thoroughbred) or post positions (harness) to horses nominated to a handicap race.

"Handle" - The aggregate dollar amount of all pari-mutuel pools, excluding refundable wagers.

"Heat" - One of two or more installments of a race.

"Horse" - An all encompassing term for any equine of any age, including colt, filly, gelding, ridgeling, mare or stallion; An uncastrated male horse five years of age or older.

"Host Association" - The association conducting a licensed pari-mutuel meeting from which authorized contests or entire programs are simulcast.

"Hypodermic Injection" - Any injection into or under the skin or mucosa, including but not limited to intradermal injection, subcutaneous injection, submucosal injection, intramuscular injection,

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT

intravenous injection, intra-arterial injection, intra-articular injection, intrabursal injection, intraocular (intraconjunctival) injection.

"Ineligible Horse" - A horse not qualified to participate in a specific race under the rules or conditions of that race.

"Ineligible Person" - A person not qualified to participate in specific racing activity under the rules.

"Illinois-Bred Colt or Filly" - A horse sired by a stallion owned by an Illinois resident and standing in the State of Illinois for the season in which the mare was bred.

"Illinois Foaled" - A horse dropped in Illinois.

"Illinois Owned" - A horse owned by a resident of Illinois at the time the horse is declared in to start and at the time of the race.

"Illinois Racing Board" - Whenever the word "Board" is used, it means the "Illinois Racing Board".

"Initial Screening" - A sensitive screening which determines the presence of drugs and their corresponding families.

"Interference" - Any act, which by design or otherwise, and regardless of actual contact, hampers or obstructs any competing horse or horses.

"Intertrack Wagering Facility" - The physical premises, structure and equipment utilized by an intertrack wagering location or intertrack wagering location licensee for the conduct of intertrack wagering or simulcast wagering.

"Inquiry" - An investigation or examination, conducted by the Board or Stewards, into a possible rule violation.

"Issued Ticket" - A wager for which the ticket issuing machine produces a hard copy.

"Jockey" - A rider of a thoroughbred race horse.

"Laboratory" - The Illinois Racing Board Laboratory or an independent testing laboratory contracted by the Board.

"Late Closing Race" - A race for a fixed amount to which entries close less than six weeks and more than three days before the race is to be contested.

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT

"Length of Race" - Races shall be run at the stated distance in units not shorter than a sixteenth of a mile.

"Lessee" - A licensed owner whose interest in a horse is by lease agreement.

"Licensee" - A person or legal entity that has been issued an occupation license to participate in racing under the jurisdiction of the Board. (Synonym: Occupation licensee)

"Maiden" - (Harness) A horse that has never won a heat or race, at the gait it is entered to start, for that a purse was offered; (Thoroughbred) A horse that has never earned a winner's purse in a flat race at a recognized meeting in any country.

"Maiden Race" - A contest restricted to nonwinners.

"Mare" - (Harness) A female horse four years of age or older; (Thoroughbred) A female horse five years of age or older.

"Match Race" - A race between two horses under conditions agreed to by their owners.

"Matinee Race" - A race with no entrance fee and where the prizes, if any, are other than money.

"Meeting" - The specified period and inclusive dates each year during which an association is authorized to conduct racing by approval of the Board.

"Minor" - Any person under the age of seventeen.

"Minus Pool" - A minus pool occurs when the amount of money to be distributed on winning wagers is in excess of the amount of money comprising the net pool.

"Month" - A calendar month.

"Mutuel Field" - Two or more horses in a contest that are treated as a single betting interest for pari-mutuel wagering purposes when the total number of betting interests exceeds the number that can be handled individually by the pari-mutuel system.

"Mutuel Manager" - The racing official designated by the organization licensee to supervise its pari-mutuel department.

"Net Pool" - The amount of gross ticket sales less refundable wagers and statutory commissions.



## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT

"Nominator" - The person or entity in whose name a horse is nominated for a race or series of races.

"Nominee" - A horse nominated to a stakes and/or handicap race.

"Nomination" - The naming of a horse to a stakes and/or handicap race. In a futurity, the naming of a foal in utero to a certain race or series of races, eligibility to which is conditioned on the payment of a fee at the time of naming and the payment of subsequent sustaining fees and/or starting fees.

"Objection" - A claim of foul lodged with the stewards or their designee by a jockey of a horse in a race immediately after a race and before the race is made official, or a claim of foul lodged with the patrol judge in a starting car, by a driver of a horse in a race, immediately after the race and before the driver dismounts.

"Odds Board" - A large sign-board structure, located in the infield of a race track, upon which the approximate odds are prominently displayed. (Synonym: Tote Board)

"Off Bell" - The bell, operated by the stewards, that signals the locking of ticket-issuing machines; The bell that rings as a race starts.

"Official Order of Finish" - The order of finish of the horses in a contest as declared official by the stewards.

"Official Starter" - The official responsible for dispatching horses to begin a race.

"Official Time" - The elapsed time from the moment the first horse crosses the starting point until the first horse crosses the finish line.

"Official Veterinarian" - A veterinarian employed by the Board or employed by an organization licensee and approved by the Board.

"Off Time" - The moment at which, on the signal of the official starter, the doors of the starting gate are opened, officially dispatching the horses in each contest.

"Off-Track Stabling" - Any farm, any Illinois race track not licensed by the Board in the current calendar year, or any other location designated and approved for the purpose of stabling horses to be raced at a race track under the jurisdiction of the Board.

"Organization Licensee" - Any person or entity receiving an

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT

organization license from the Board to conduct a race meeting or meetings.

"Outstanding Ticket" - An uncashed winning or refundable pari-mutuel ticket that was not redeemed during the performance for which it was issued and that must be cashed within the statutory time limit.

"Overnight Event" - A contest for which entries close at a time set by the racing secretary. (Synonym: Overnight Race, Overnight)

"Owner" - A person or stable that has property rights in a horse or horses, by ownership or lease of a horse or horses.

"Paddock" - The building or enclosure where horses are saddled for a race. A railed enclosure in which the horses are paraded for public view immediately before the post parade.

"Pari-Mutuel Auditor" - An employee of the Board's Pari-Mutuel Audit Unit.

"Pari-Mutuel Audit Unit" - The State Director of Mutuels and the Pari-Mutuel Auditors.

"Pari-Mutuel System" - The manual, electro-mechanical, or computerized system and all software (including the totalizator, account betting system and off-site betting equipment) that is used to record wagers and transmit wagering data.

"Patron" - A member of the public present on the grounds of a pari-mutuel association during a meeting for the purpose of wagering or to observe racing.

"Payoff" - The amount of money payable on winning wagers.

"Person" - Any individual, partnership, corporation or other association or entity.

"Pharmaceutical Aids" - Polyethylene glycol, polyoxyethylene glycol, polyalkylene glycol, polyoxyalkylene glycol, polysorbates, sorbitans and their analogues and derivatives.

"Pool" - Total amount of money wagered upon all horses in a race to finish in a specific position or positions.

"Post" - The place on a race course from which the horses start in a race.

"Post Position" - The pre-assigned positions from which the horses

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT

leave the starting gate.

"Post Time" - The scheduled starting time of a contest.

"Prescription Drugs" - Any chemical substance which is prohibited from being dispensed by any Federal or Illinois law without a valid prescription.

"Prima Facie Evidence" - Evidence that, until its effect is overcome by other evidence, will suffice as proof of fact in issue.

"Profit" - The net pool after deduction of the amount wagered on the winners.

"Profit Split" - A division of profit among separate winning betting interests or winning betting combinations resulting in two or more payoff prices.

"Program" - The published listing of all contests and contestants for a specific day's racing. The races of a particular day, considered together.

"Protest" - An objection lodged with the stewards of any infringement of the rules of racing.

"Purse" - The amount of money won by the owner of any competitor in a race.

"Purse Race" - A race for money to which the owners of the competing horses do not contribute.

"Qualifying Race" - A race for the purpose of viewing horses for speed, racing manners and competitiveness in which no purse money is offered and on which no pari-mutuel wagering is conducted.

"Quarter Horse" - A horse registered with the American Quarter Horse Association of Amarillo, Texas.

"Race" - A contest between horses at a licensed meeting for purse, stakes, prize or reward.

"Race Course" - The actual racing surface.

"Race on the Flat" - (see Flat Race)

"Race Track Enclosure" - Association grounds, owned, leased or controlled by the racing association, whether or not enclosed by a fence and including, but not limited to, track parking lots.

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT

"Race Track Operator" - Any person, association or corporation licensed by the Illinois Racing Board to conduct horse racing within Illinois for any stake, purse or reward.

"Race Meeting" - The period of time, whether for consecutive or nonconsecutive dates, for which an organization license has been issued.

"Racing Association" - Any person, partnership, corporation, or other entity licensed by the Board to conduct a race meeting. (Synonym: organization licensee or race track operator)

"Racing Day" - Any period beginning at noon included in the period of a race meeting that ends at midnight, unless otherwise provided by statute.

"Racing Interest" - Any individual owner, partnership of owners, or corporation that participates as an owning entity or nominator of a race horse.

"Racing Jurisdiction" - A governmental regulatory body that, by statute or ordinance, regulates pari-mutuel racing.

"Racing Soundness Exam" - The physical examination for racing soundness and health of each horse by an official veterinarian.

"Recognized Meeting" - Any race meeting with regularly scheduled races licensed by and conducted under rules promulgated by a governmental regulatory body, including meetings in foreign countries.

"Record" - The fastest time made by a horse in a race that he won or in a performance against time.

"Refunded Ticket" - A ticket which has been refunded for the value of a wager that is no longer valid (e.g., when a horse has been scratched or the wagering canceled).

"Restricted Area" - An area on the grounds of a racetrack where admission can be obtained only upon presentation of valid credentials. Such areas shall include the stable areas, detention barn, jockey or driver room, paddock, race course and pari-mutuel department.

"Result" - That part of the official order of finish used to determine the pari-mutuel payoff pools for each individual contest.

"Ruled Off" - Synonymous with suspended or excluded.

"Rules" - Regulations promulgated by the Board pursuant to the Horse



## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT

## Racing Act.

"Ruling" - A written decision, determination, and/or order of the stewards.

"Satellite Transponder" - A leased space segment time of an earth-orbit communication satellite.

"Scoring" - Preliminary warm-ups by horses.

"Scratch" - The withdrawal of a horse from a race after the closing of entries.

"Scratch Time" - The time designated by the racing association as a deadline for an owner or trainer to file a request for a scratch.

"Simulcast" - The live audio and visual transmission of a contest to another location for pari-mutuel wagering purposes.

"Single Price Pool" - An equal distribution of profit to winning betting interests or winning betting combinations through a single payoff price.

"Stable Name" - The assumed name or nom de course under which a person or stable races horses.

"Stakes" - All the fees paid by subscribers to a stakes race, which may include the nomination, eligibility, supplemental, entry or starting fees or any fee that is required by the conditions of a race.

"Stakes Race" - A race that is closed to nominees more than 72 hours before it is run with a purse that includes all stakes payments in addition to the money added by the racing association.

"Starter" - The racing official whose duty it is to get the horses away to a fair start in a race. Any horse that participates, i.e., starts, in a race.

"Starter Race" - An overnight event, under allowance or handicap conditions, restricted to horses who have previously started for the designated claiming price or less, as stated in the conditions of the race.

"State Director of Mutuels" - The individual representing the Board in the supervision and verification of the pari-mutuel wagering pool totals for each racing day.

"State Veterinarian" - A veterinarian employed by the Board.

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT

"Steeplechase Race" - A contest in which horses mounted by jockeys run over a course on which jumps or other obstacles are placed.

"Steward" - Duly appointed top official at a race track with the power to fine, suspend, and rule off persons licensed in racing.

"Stewards' Stand" - The room, generally located on the roof of a racetrack grandstand or clubhouse, from which the State stewards and association stewards observe the running of races.

"Subscription" - The nomination or entry of a horse in a stakes race.

"Sulky" - A dual-shaft, dual wheel racing vehicle.

"Suspension" - A penalty in which the rights and privileges of a licensee are withdrawn for a specified period of time. An occupation licensee whose license is suspended is prohibited from engaging in any licensed occupation and is excluded from all grounds under the jurisdiction of the Board, unless otherwise specified in the ruling or order (example: suspended from riding or driving).

"Sweepstakes" - A race where the owners of horses entered or engaged for the race contribute to a purse to which money or any other prize may be added, and nominations to which close 72 hours or more before starting.

"Takeout" - The total amount of money, excluding breakage, withheld from each pari-mutuel pool, as authorized by statute or rule.

"Test Level" - The concentration of a foreign substance found in a test sample.

"Test Sample" - Any substance, including but not limited to, blood or urine taken from a horse or licensee for the purpose of testing for foreign or controlled substances.

"Threshold Level" - The concentration of a foreign substance found in a test sample.

"Ticket Issuing Machine" - A machine which prints hard copies of wagers.

"Totalizator" - An electronic device that automatically registers the wagers made on each horse or pool and prints or issues a ticket representing each such wager or wagers.

"Totalizator System Licensee" - Any person, corporation, company, association or any other entity which sells, leases, or operates

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT

totalizator equipment and is licensed by the Board.

"Tote Room" - The room at a race track in which the totalizator system's computer is housed.

"Tout" - Someone who furnishes information concerning selection of a horse for wagering purposes, or predicts the outcome of a race for wagering purposes, in exchange for a consideration.

"Trial Race" - Part of a series of contests in which horses participate for the purpose of determining eligibility for a subsequent contest.

"Uplink" - An earth station broadcasting facility, whether mobile or fixed, which is used to transmit audio-visual signals and/or data on FCC-controlled frequencies, and includes any electronic transfer of audio-visual signals from within a racing enclosure to the location of the transmitter at the uplink.

"Utilities" - Programs that are provided by computer vendors to perform tasks such as duplication of program tapes, modification of master files, and access to passwords.

"Validation" - The act or process by which the Board's licensing office at a race meeting stamps or otherwise marks the licensee's identification card, thereby allowing the licensee access to restricted areas during a specific race meeting.

"Vendor" - A seller of feed, medication, stable supplies, or other merchandise in restricted areas.

"Veterinarian" - A veterinary practitioner licensed as such by the Illinois Department of Professional Regulation.

"Veterinarian's List" - A tabulation maintained by the State Veterinarian of horses that are not permitted to enter a race until their names are removed from the list.

"Walkover" - An event in which all horses but one in a race are withdrawn, leaving that horse to walk the prescribed course at the distance of the race. A walkover may be between two or more horses if they belong to a single interest.

"Week" - A calendar week.

"Weigh-In" - The presentation of a jockey to the Clerk of Scales for weighing after a race.

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT

"Weight-Out" - The presentation of a jockey to the Clerk of Scales for weighing prior to a race.

"Weight for Age" - A race in which a fixed scale is used to assign the weight to be carried by individual horses according to age, sex, distance of the race, and season of the year.

"Winner" - The horse whose nose reaches the finish line first. If there is a dead heat for first, those horses shall be considered winners.

"Wire" - See Finish line.

"Year" - A calendar year.

(Source: Amended at 25 Ill. Reg. 15590, effective 1-1-2001)



ILLINOIS RACING BOARD  
NOTICE OF ADOPTED AMENDMENTS  
TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING (THOROUGHBRED)  
PART 1413  
ENTRIES, SUBSCRIPTIONS, AND DECLARATIONS

Section	
1413.10	Registration with Jockey Club
1413.20	Registration Rules
1413.30	Eligibility
1413.40	How Entries are Made
1413.42	Number of Entries
1413.44	48- or 72-Hour Entries
1413.46	Also Eligibles Under 48- or 72-Hour Rule
1413.48	Uncoupled Entries
1413.50	Racing Secretary Receives Entries
1413.60	Supervision of Entries
1413.70	When Entries Close
1413.75	Limitation on Purse Reductions
1413.80	Closing in Absence of Conditions
1413.90	Entry by Telegraph
1413.100	List of Entries
1413.110	Limitations on Entries
1413.114	Couples As Entry
1413.118	Further Definition of Coupling
1413.120	Riders Designated
1413.130	Carding Purse and Handicap Races
1413.134	Race Fails to Fill
1413.138	Substitute and Extra Races
1413.140	Right to Declare Out
1413.150	Number of Entries
1413.160	Fee to Enter
1413.170	Refunds
1413.180	Error in Entry
1413.190	Irrevocable Declaration
1413.200	Notice of Declaration
1413.210	Entry of Unfit Horse
1413.220	Refusal for Inconsistency
1413.230	Horse Ineligible
1413.240	Who May Enter
1413.250	Medical Reasons for Ineligibility
1413.260	Sweepstakes Entries
1413.265	Receipt for Nomination
1413.270	Previous Engagements
1413.280	Transfer of Engagements
1413.290	Transfer of Sweepstakes Engagements

ILLINOIS RACING BOARD  
NOTICE OF ADOPTED AMENDMENTS  
1) Heading of the Part: Entries, Subscriptions, and Declarations  
2) Code Citation: 11 Ill. Adm. Code 1413  
3) Section Number: 1413.250 Adopted Action: Amended  
4) Statutory Authority: 230 ILCS 5/9(b)

- 5) Effective Date of Rulemaking: December 1, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 25 Ill. Reg. 11016-8/31/01
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking updates the list of medical reasons a horse is ineligible to race.
- 16) Information and questions regarding this adopted amendment shall be directed to:  
Mickey Ezzo  
Illinois Racing Board  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601  
(312) 814-5017
- The full text of the adopted amendment begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

1413.300 Jockey Club Certificates  
 1413.305 Transfer of Jockey Club Certificate  
 1413.310 Number of Races in a Day

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); passed July 11, 1972; amended April 11, 1974, filed and effective April 30, 1974; passed June 11, 1974 amended July 12, 1974, filed July 22, 1974; amended August 13, 1974, filed August 19, 1974; amended August 15, 1975, filed August 20, 1975; amended September 19, 1975, filed October 2, 1975; amended June 19, 1976; amended July 16, 1976, filed July 23, 1976; added August 21, 1976, filed August 30, 1976; amended April 26, 1977, filed May 6, 1977; amended 4 Ill. Reg. 9, p. 251, effective February 20, 1980; amended at 5 Ill. Reg. 8911, effective August 25, 1981; codified at 5 Ill. Reg. 10981; amended at 15 Ill. Reg. 2730, effective February 5, 1991; amended at 17 Ill. Reg. 1628, effective January 26, 1993; amended at 17 Ill. Reg. 21848, effective December 3, 1993; amended at 18 Ill. Reg. 11612, effective July 7, 1994; amended at 18 Ill. Reg. 17749, effective November 28, 1994; amended at 24 Ill. Reg. 7394, effective May 1, 2000; amended at 24 Ill. Reg. 12725, effective August 1, 2000; amended at 25 Ill. Reg. 178, effective January 1, 2001; amended at 25 Ill. Reg. 15648, effective DEC - 1 2001.

## Section 1413.250 Medical Reasons for Ineligibility

A trainer or owner shall not enter or start, or cause to be entered or started, a horse that ~~which~~:

- a) is not in servicable, sound racing condition;
- b) ~~is-a-known-bleeder~~
- b)c) has an active tracheostomy; ~~been-trachea-tubed~~
- c)d) has been nerved or had cryosurgery performed on a nerve; except that horses that have had a neurectomy or cryosurgery performed on the posterior digital nerve below, and not at, the fetlock of one or more feet may be permitted to race;
- e) ~~has-been-nerve-blocked~~
- f) ~~is-not-properly-plated~~
- d)g) is blind or whose vision is seriously impaired in both eyes. A horse blind in one eye may start only if the other eye has normal vision;
- e)h) does not comply with the rules regarding Coggins tests (see 11 Ill. Adm. Code 1309, 1313, 1424 and 1431).

(Source: Amended at 25 Ill. Reg. 15648, effective DEC - 1 2001)

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3) Section Numbers: Adopted Action:  
603.50 Amended  
603.70 Amended
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: December 1, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 25 Ill. Reg. 11020 - 8/31/01
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking updates the current trainer responsibility rules and furosemide rules to reflect current standards of practice and knowledge. This rulemaking will permit the Board to better deal with the realities of interstate, as well as the international, movement of racehorses in the industry.
- 16) Information and questions regarding these adopted amendments shall be directed to: Mickey Ezzo  
Illinois Racing Board (312)814-5017  
100 West Randolph, Suite 11-100  
Suite 11-100  
Chicago, Illinois 60601



## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER C: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 603  
MEDICATION

Section	
603.10	Pre-Race Saliva Tests
603.20	Racing Soundness Exam
603.30	Foreign Substances and Pharmaceutical Aids Banned
603.40	Twenty-four Hour Ban
603.50	Trainer Responsibility
603.55	Prima Facie Evidence
603.60	Permitted Use of Foreign Substances and Threshold Levels
603.70	Furosemide
603.80	Needles, Syringes and Injectables
603.90	Drugs, Chemicals and Prescription Items
603.100	Detention Barn
603.110	Test Samples
603.120	Referee Samples
603.130	Laboratory Findings and Reports
603.140	Distribution of Purses and Retention of Samples
603.150	Post Mortems
603.160	Penalties
603.170	Veterinarian's Records
603.180	Carbon Dioxide Tests

AUTHORITY: Authorized by Sections 9(b) and 36a of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b) and 36a].

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at 26 Ill. Reg. 1111, effective 11/1/2001.

Section 603.50 Trainer Responsibility

- a) Each Every trainer has the duty to guard or cause to be guarded each horse trained by him/her in such a manner as to prevent any person, including his/her veterinarian, from administering to such horse any foreign substance in violation of this Part.
- b) Each Every trainer has the duty to be familiar with the medication rules of the Board, and reasonably familiar with the foreign substances he/she administers or directs his/her employees to administer, and that which are administered by his/her such-trainers veterinarian.

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- c) Each Every trainer has the duty to have each horse trained by him/her in its assigned security stall in accordance with 11 Ill. Adm. Code 436 220.

(Source: Amended at 25 Ill. Reg. 15614, effective 1/1/2004)

## Section 603.70 Furosemide

- a) The Board recognizes that Exercise Induced Pulmonary Hemorrhage (EIPH) is almost universal in performance horses. The Board also recognizes that the diuretic furosemide is helpful in the management of the EIPH syndrome; this includes horses that already had a bleeding episode as well as horses that have not yet exhibited the epistaxis. In regulating the race day use of furosemide, the Board has placed strict controls on the dose, route and time the medication is administered. Additionally, Board security personnel monitors these horses during and after the administration. Advances in drug testing techniques permit the Board laboratory to quantitate post-race serum samples for furosemide, providing a thorough regulation of the drug. All of these measures are designed to prevent the misuse of furosemide. There are horses that exhibit symptoms of epistaxis or respiratory tract hemorrhage which with proper treatment, are sound and able to compete in races. A horse which during the race or following the race, or during exercise or following such exercise, is found to be shedding blood from one or both nostrils, or is found to have bled internally, is eligible to be placed on the bleeder list and treated on race day to prevent bleeding during its race. In order to obtain authorization for race day treatment of the bleeder, the horse trainer or veterinarian must obtain a certificate of examination from one of the State veterinarians or other documentation, as prescribed in this Section, and have the horse placed on the official bleeder list. One of the State veterinarians must, by examination or in consultation with the practicing veterinarian, establish that the horse did in fact shed free blood from one or both nostrils or that an endoscopic examination of the horse showed observable amounts of free blood in the respiratory tract. When confirmed by one of the State veterinarians, the horse, regardless of age, shall be placed on the bleeder list which shall be maintained by one of the State veterinarians. Once on the list, a horse shall be removed from the bleeder list only upon the direction of one of the State veterinarians who must certify in writing to the Board his recommendation for removal of the horse from the list.

## b) Veterinarian's List

- 1) When a horse is added to the furosemide list, it shall be placed on the veterinarian's list and shall be ineligible to race for 14 days. The 14 day ineligibility period begins on the certification date defined in subsections (c)(1)(A), (B), (C),

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

and (D) of this Section. During this 14 day period, the horse shall not be permitted to race with or without furosemide. Before the horse shall be permitted to enter a race, it must qualify on furosemide by participating in a qualifying race or by performing an official workout without bleeding, to the satisfaction of the State Veterinarian. Horses must wait 9 days following the certification date before qualifying.

- 2) A horse bleeding the first time in any 12 month period while racing or training with furosemide shall be barred from racing for a minimum of 30 days.
- 3) A horse bleeding a second time in any 12 month period while racing or training with furosemide shall be barred from racing for a minimum of 60 days.
- 4) A horse bleeding a third time in any 12 month period while racing or training with furosemide shall be barred from racing for a minimum of 180 days or the remainder of the 12 month period, whichever is greater.
- 5) After the expiration of the barred periods in subsections (b)(2), (3) and (4) of this Section, a horse must qualify on furosemide by participating in a qualifying race or performing an official workout without bleeding to the satisfaction of the State Veterinarian. Prior to the workout, a blood sample may be collected by the State Veterinarian and sent to the Board laboratory for testing. After the workout, the State Veterinarian may witness an endoscopic examination of the horse to confirm that it has not bled.

Once a horse is placed on the bleeder list, that horse must be assigned to a stall in a facility designated by the Board as a security area at a time to be determined by the Board prior to the scheduled post-time for any race in which it is entered. The security stall shall be assigned by the Racing Secretary. Once placed in the security stall, a horse must remain there until it is taken to the paddock to be saddled or harnessed for the race, except that the stewards may permit horses to leave the security stall to engage in exercise blow-outs or warm-up heats.

## c) Eligibility for Furosemide Treatment

- 1) A horse is eligible to race with furosemide if at least one of the following occurs:

A) It bleeds internally or externally in the presence of an official veterinarian, or if a veterinarian licensed by the State of Illinois attests in writing that he/she witnessed a bleeding episode. The State Veterinarian will then issue a bleeder certificate and place the horse on the furosemide list. The certification date shall be the day the bleeding episode was witnessed by or reported to the State Veterinarian;

B) A veterinarian licensed by the Board concludes that it will be in the best interest of a horse's health to race with



## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

furosemide. The trainer shall submit to the State Veterinarian a certificate signed by the licensed veterinarian requesting approval to place the horse on the furosemide list. The certification date shall be the day the State Veterinarian grants approval. This subsection applies to thoroughbred horses only:

- C) The trainer provides the Board or its designee with evidence that the horse bled in another racing jurisdiction. Acceptable proof shall be a valid bleeder certificate approved by an official veterinarian. The certification date shall be the date shown on the bleeder certificate;
- D) The trainer provides the Board or its designee with evidence that the horse has been running consistently, up to its last start, with furosemide in other racing jurisdictions as shown on the official past performance lines. Acceptable past performance lines for thoroughbreds and/or quarter horses shall be Equibase and/or Racing Form. Acceptable past performance lines for harness horses shall be the official past performances of the United States Trotting Association (USTA) or Canadian Trotting Association (CTA) or the eligibility papers. The certification date shall be the earliest available date the horse shows running with furosemide on the official past performance lines. If the past performance lines of a horse show that the horse has been running on and off furosemide in other racing jurisdictions, the horse shall not be permitted to run with furosemide in Illinois, unless the occasions the horse ran without furosemide were due to rule restrictions imposed on the horse by those particular racing jurisdictions.

2) Signing a Furosemide Certification Affidavit

- A) The stewards may permit a horse to be treated with furosemide for one race if the certification described in subsections (c)(1)(A), (B), (C) or (D) is not available at the time the horse must be treated with furosemide. The trainer or his/her representative shall sign a Furosemide Certification Affidavit.

- B) Within 10 days after the race, the trainer of the horse shall produce for the stewards or their designee written certification from a state where the horse has bled or a statement in an official chart that the named horse bled following a race or a workout in that state. The certification date must comply with the 14 day requirement specified in subsection (b)(1) of this Section.

- C) Any purse money earned by the horse in the race shall be held during the 10 day period.

- D) If the trainer fails to produce the evidence required in subsection (c)(2)(B), or if the certification date does not comply with the 14 day ineligibility period specified in

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

subsection (b)(1), the stewards shall impose a fine of not less than \$200 and not more than \$1500 and/or suspend the trainer's license and shall redistribute the amount of any purse money earned by the horse.

- Horses--on--the--official--bleeder--list--must--be--treated--with--furosemide (basis) in the manner specified by subsection (i) of this Section.
- d) Removal from Furosemide List

- 1) Once a horse is placed on the furosemide list, it must continue to race with furosemide unless the removal from the list is approved by the stewards. The stewards may remove a horse from the furosemide list upon the written request of the trainer if the horse's performance is negatively affected by the use of furosemide, or upon the recommendation of the State Veterinarian if a horse has an adverse physiological reaction to furosemide.

- 2) Once removed from the furosemide list, a thoroughbred horse shall be ineligible to participate in a race for a minimum of 30 days. A harness horse shall be ineligible for a minimum of 14 days. The ineligibility period shall be counted from the day the stewards approve the removal of the horse from the furosemide list. Prior to starting in a race, a horse must participate without furosemide in a qualifying race or perform an official workout without bleeding. Prior to the qualifying race or workout, a blood sample may be collected by the State Veterinarian and sent to the Board laboratory for testing. After the qualifying race or workout, the State Veterinarian may witness an endoscopic examination of the horse to confirm that it has not bled.

If--directed--by--a--Board--representative--immediately--prior--to treatment--and--as--a--condition--for--approval--the--horse--trainer--must direct--the--practicing--veterinarian--to--in--the--presence--of--a uniformed--security--guard--take--a--blood--sample--from--the--horse--in the--presence--of--a--Board--representative--which--may--be--delivered--to the--Board's--testing--laboratory--for--analysis.

e) Administration of Furosemide

- 1) All horses on the furosemide list must be treated with furosemide in order to be permitted to participate in a race.
- 2) Furosemide shall be administered between 4 hours and 15 minutes and 3 hours and 45 minutes before post time of the race in which a horse is entered.
- 3) A Board licensed veterinarian shall administer not less than 150 mg and not more than 250 mg of furosemide intravenously and shall verify the administration on prescribed affidavits before the post time of the first race.
- 4) The trainer or his/her licensed employee shall witness the furosemide administration.
- 5) The furosemide administration may take place in the horse's own stall or in a centralized location.
- 6) For violations of this subsection (e), the stewards shall scratch



## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

a horse from the race and the trainer may be fined not less than \$200 and not more than \$500.

~~Any horse on the bleeder list which is not stabled on the actual grounds of the racing facility where it is to race, and which is stabled off the grounds at an auxiliary stabling area or at some other approved location, must be brought on to the grounds of the racing facility where it is scheduled to compete at least 6 hours prior to the post time for the race for which it is entered, unless one of the State veterinarians authorizes a later arrival. Such a horse arriving at the racing facility will be placed in a security stall assigned by the Racing Secretary.~~

## f) Absence of Furosemide

In the event a horse listed on the furosemide list races without furosemide, the horse shall be disqualified and any purse money earned by the horse redistributed. In addition, the stewards may suspend or fine the trainer and/or veterinarian not less than \$200 and not more than \$1500.

~~Every horse entered to race shall be placed in a security area as designated by the Board. The Board, in designating a security area, shall not require that a horse be placed in a barn or stall other than the barn or stall assigned to that horse by the Racing Secretary. The barn or stall shall be posted as a security area. The trainer of record shall be responsible for the security of the horse and barn or stall area. The security area shall be under the supervision of the Illinois Racing Board. No unauthorized person shall approach the security area. If any unauthorized person does approach the security area, a report of the incident is to be made immediately to one of the State veterinarians, the stewards or a Board investigator.~~

## gk) Excessive Use of Furosemide

1) The test level for furosemide shall not be in excess of 60 nanograms (ng) per milliliter (ml) of serum or plasma.

2) The first two times the laboratory reports an amount of furosemide between 61 ng - 85 ng/ml, inclusive, the trainer shall receive a written warning. For each subsequent overage at this level by the same trainer at this level, the trainer shall be fined no more than \$200.

3) The first time the laboratory reports an amount of furosemide between 86 ng-99 ng/ml inclusive, the trainer shall receive a written warning. For each subsequent overage at this level by the same trainer at this level, the trainer shall be fined no more than \$500 and suspended not more than 30 days.

4) In the event a post-race sample contains an amount of furosemide greater than 99 ng/ml, the trainer shall be fined no more than \$1000 and suspended not less than 30 days and the purse shall be redistributed.

g) The provisions of this Section and the treatment authorized herein shall apply to and be available only for horses entered in and competing in race meetings as defined in Section 3-07 of the Act--{230

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

~~IBES-5/3-07}-~~

h) Trainer's Responsibilities for Horses on the Furosemide List Procedure  
1) The trainer shall be responsible for:

A) providing the racing office at the time of entry with accurate information regarding the use of furosemide on horses he/she enters to race;

B) providing the information required for furosemide approval of his/her horses to Board staff coordinating the administration of furosemide;

C) notifying his/her veterinarian of furosemide horses and the date and times for race day treatment;

D) having horses on the furosemide list stabled at the barn and in the stall assigned by the Racing Secretary or his/her designee;

E) posting a "Security Stall" sign on the stalls of his/her horses entered to race (see 11 Ill. Adm. Code 436);

F) ensuring horses are treated with furosemide on race day at the prescribed time, witnessing the administration of furosemide and guarding the horse until the horse is taken to the paddock (see 11 Ill. Adm. Code 436).

2) The stewards may suspend the trainer or assess a fine of no less than \$200 and no more than \$500 for violation of this subsection (h).

1) If an official veterinarian determines that a horse is a bleeder, he shall issue a certificate of examination and enter the horse's name and tattoo number on the bleeder list. The trainer shall affix the certificate of examination to the horse's foot papers or eligibility papers. A trainer who plans to race a bleeder shall indicate on the entry form that the horse races with furosemide.

2) The State veterinarian or his designee shall authorize a horse which has bled in another state to race on furosemide upon presentation by the trainer of:

A) written certification from a state or properly identified veterinarian in another state that a properly identified horse has bled in that state; or

B) publication in the official charts that the named horse bled following a race at a race track in that state.

3) If the certification described in subsection (h)(2)(A) above is not available at the time the named horse is entered to race:

A) the stewards may allow the horse to race as a bleeder in that one race in which it is entered only.

B) within ten days after the race, the trainer of the horse shall produce for the stewards or their designee written certification from a state that the horse has bled in that state or a statement in an official chart that the named horse bled following a race in that state.

C) any purse earned by the horse in the race shall be held



## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

during the ten-day period.

- B) if the trainer fails to produce the certification described in subsection (b)(3)(B) above, the stewards shall impose a fine and/or suspend the trainer's license and shall redistribute the amount of any purse earned by the horse.
- 4) If a horse has been denominated a bleeder, it shall remain on the bleeder list and be administered furosemide prior to its races regardless of change of owner or trainer. Once on the bleeder list, a horse shall be removed from the list only upon the direction of the State veterinarian who shall certify in writing to the Board his recommendation for removal of the horse from the list.

## i) Veterinarian's Responsibilities Administration

- 1) The practicing veterinarian shall be responsible for:

- A) administering the proper furosemide medication and dose at the proper time to the proper horse.
- B) Providing Board staff, upon request, with any documentation related to horses that are stabled on approved facilities and medication samples and/or paraphernalia used to administer any medication to a horse. Samples and/or paraphernalia may be sent to the Board laboratory for testing.

- 2) The stewards may suspend the veterinarian or assess a fine of no less than \$200 and no more than \$500 for violations of this subsection (i).

- 1) If a horse has been placed on the bleeder list, it shall receive a furosemide administration not earlier than 3 hours and 45 minutes and not later than 4 hours and 15 minutes prior to post time of the race in which it is entered. The Board may require that horses be brought to a designated facility for furosemide administration.

- 2) A licensed veterinarian shall administer not less than 150 mg and not more than 250 mg of furosemide intravenously to the bleeder and shall immediately note on Board prescribed forms the time of administration and submit such forms to the stewards no later than 3 1/2 hours prior to the horse's scheduled post time.

- 3) The trainer, or his licensed employee, shall witness the administration.

Following the administration of furosemide, the trainer of record or his designee shall remain with the horse and provide constant surveillance in accordance with Illinois Administrative Code 220.

## j) Security Breeders

- 1) Each horse racing with furosemide shall be detained in a stall assigned by the Racing Secretary 4 hours and 15 minutes before the post time of the race in which it is entered, and shall remain in the stall until taken to the paddock to be saddled or harnessed for the race, except that the stewards may permit horses to leave the "security stall" to engage in exercise

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

blow-outs or warm-up heats.

- 2) The barn area is a secure area and shall be under the supervision of the Board.
- 3) No unauthorized person shall approach the security area. If any unauthorized person does approach the security area, a report of the incident is to be made immediately to one of the State Veterinarians, the stewards or a Board investigator.
- 4) Board staff may direct a veterinarian to take a blood sample immediately prior to the administration of furosemide to be submitted to the Board's laboratory for analysis.
- 5) Board staff may collect from a veterinarian the syringe containing any medication about to be administered to a horse for testing at the Board laboratory.

- 1) The bleeder list for the race meeting shall be posted in the Racing Secretary's office and in the State veterinarian's office at each race meeting.

- 2) The first time a horse bleeds, it shall be ineligible to race for 19 days irrespective of the date of entry.

- 3) A horse which bleeds for the second time in any 12-month period shall be barred from racing in Illinois for a minimum of 60 days.

- 4) A horse which bleeds for the third time in any 12-month period shall be barred from racing in Illinois for a minimum of 120 days.

- 5) After the expiration of any of the above mentioned periods, no horse may again start until it has been approved by the State veterinarian.

- 6) This Section shall also apply to horses shipped in from other racing jurisdictions which have established different time restrictions.

- k) This Section shall apply to all horses entering in and competing in race meetings as defined in Section 3.07 of the Act [230 ILCS 5/3.07], as well as all horses shipping in from other racing jurisdictions, domestic or foreign.

(Source: Amended at 25 Ill. Reg. 1, 6, 1, 1, effective 1/1/2001)

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Security Areas
- 2) Code Citation: 11 Ill. Adm. Code 436
- 3) Section Numbers:  
436.110 Adopted Action:  
436.130 Amended  
Amended
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Amendments: December 1, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 25 Ill. Reg. 11031 - 8/31/01
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect?  
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking corrects the Code references as well as replaces the words "bleeder" and "lasix" with "furosemide".
- 16) Information and questions regarding these adopted amendments shall be directed to:

Mickey Ezzo  
Illinois Racing Board  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601  
(312)814-5017

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page:



## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

## PART 436

## SECURITY AREAS

## SUBPART A: ORGANIZATION LICENSEES RESPONSIBILITIES

## Section

- 436.5 Security Area  
 436.10 Security Barn Location (Repealed)  
 436.20 Sanitation, Hygiene and Health  
 436.30 Fire and Safety Regulations (Repealed)  
 436.40 Fencing and Lighting (Repealed)  
 436.50 Security and Barn Offices (Repealed)  
 436.60 Penalties

## SUBPART B: CONDUCT IN SECURITY AREA

## Section

- 436.70 Reporting for Stall Assignments  
 436.80 Identification Badges (Repealed)  
 436.90 Reporting to Security Barn Stall Assignments (Repealed)  
 436.100 Prohibited Equipment and Substances  
 436.110 Trainer's Responsibility to Guard  
 436.120 Access to Security Barn (Repealed)  
 436.130 Furosemide Bleeder List Horses  
 436.140 Leaving the Security Barn (Repealed)

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 12 Ill. Reg. 6304, effective March 18, 1988; emergency amendment at 15 Ill. Reg. 12944, effective August 16, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 4520, effective March 10, 1992; amended at 25 Ill. Reg. 15622.7 effective DEC 1 2001.

## Section 436.110 Trainer's Responsibility to Guard

The duties imposed upon trainers in 11 Ill. Adm. Code 603.50 509-200 will continue to be in effect while a horse is in the security area.

(Source: Amended at 25 Ill. Reg. 15622.7, effective DEC 1 2001)

## Section 436.130 Furosemide Bleeder List Horses

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- a) All horses on the furosemide bleeder list shall be treated with furosemide ~~(as is)~~ as provided in 11 Ill. Adm. Code 603.70 509-90~~(e)~~.  
 b) Following the administration of furosemide ~~to~~ the trainer of record or his designee shall immediately return the horse to its assigned stall and shall remain with the horse and provide constant surveillance in accordance with Section 436.5(c). Violations of this subsection (b) ~~rule~~ shall be penalized in accordance with Section 436.60(b).  
 c) A sign designating the stall as a "Security Stall" shall be posted on the horse's stall ~~four~~ 4 hours prior to the post time of the race in which the horse has been entered to race. Violations of this subsection (c) ~~rule~~ shall be penalized in accordance with Section 436.60(c).

(Source: Amended at 25 Ill. Reg. 15622.7, effective DEC 1 2001)

DEPARTMENT OF STATE POLICE  
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Certification and Training of Electronic Criminal Surveillance Officers
- 2) Code Citation: 20 Ill. Adm. Code 1295
- 3) Section Numbers: Adopted Action:  
1295.20 Amendment  
1295.30 Amendment  
1295.40 Amendment  
1295.50 Amendment  
1295.60 Amendment  
1295.70 Amendment  
1295.80 Amendment

4) Statutory Authority: Implementing and authorized by Section 108B-14 of the Code of Criminal Procedure of 1963 [725 ILCS 5/108B-14] and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].

5) Effective Date of Amendments: November 21, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 25 Ill. Reg. 10731, August 24, 2001

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: In line 248, strike "monitor's" and add "monitors".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were issued.

13) Will these amendments replace any emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: The proposed amendments will update the rulemaking to include technological advances in surveillance equipment.

DEPARTMENT OF STATE POLICE  
NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding these adopted amendments shall be directed to:

James W. Redlich  
Chief Legal Counsel  
Illinois State Police  
124 East Adams Street, Room 102  
Post Office Box 19461  
Springfield, IL 62794-9461  
Telephone: (217) 524-0346  
Fax: (217) 524-5743

The full text of the adopted amendments begins on the next page:



## DEPARTMENT OF STATE POLICE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT  
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1295  
CERTIFICATION AND TRAINING OF  
ELECTRONIC CRIMINAL SURVEILLANCE OFFICERS

Section	Purpose
1295.10	Definitions
1295.20	Qualification, Certification, and Recertification of Officers
1295.30	Revocation of Certification
1295.40	Recording and Minimization Standards
1295.50	Documentation Requirements
1295.60	Evidence Handling Procedures
1295.70	Specifications for Materials and Equipment
1295.80	

**AUTHORITY:** Implementing and authorized by Section 108B-14 of the Code of Criminal Procedure of 1963 [725 ILCS 5/108B-14] and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].

**SOURCE:** Adopted at 13 Ill. Reg. 1856, effective January 26, 1989; amended at 25 Ill. Reg. 1562, effective NOV 21 2001.

## Section 1295.20 Definitions

- a) Unless specified otherwise, all terms shall have the meanings set forth in Article 108B of the Code of Criminal Procedure of 1963 [725 ILCS 5/108B]. "AN-ACP-relating-to-electronic-criminal-surveillance devices-and-amending-acts-herein-named"-(Public-Act-85-1203-effective-January-17-1989)-
- b) For purpose of this Part, the following additional definitions apply:

"Act" means Article 108B of the Code of Criminal Procedure of 1963 [725 ILCS 5/108B]. "AN-ACP-relating-to-electronic-criminal surveillance-devices--and--amending--certain--acts-herein-named"-(Public-Act-85-1203-effective-January-17-1989)-

"Call Content" means the oral (audio) communication received from a communications common carrier.

"Call Data" means the data received from a communications common carrier that includes, but is not limited to, signaling, call progress signals, dialed digits, and caller identification.

"Chief Executive Officer of a Law Enforcement Agency" means a chief of police, sheriff, director, superintendent, or other title that serves as the head of a law enforcement agency.

## DEPARTMENT OF STATE POLICE

## NOTICE OF ADOPTED AMENDMENTS

"Department" means the Illinois Department of State Police.

"Dialed Number Recorder" means a device used to register telephone numbers, either dialed or pulse dialed.

"Director" means the Director of the Illinois Department of State Police.

"Electronic Criminal Surveillance Officer Certification" refers to registered credentials issued by the Department and the Illinois ~~Board--Governmental~~ Law Enforcement Officers Training Standards Board that ~~which~~ identify those aspects of electronic criminal surveillance that the officer is authorized to perform.

"Electronic Criminal Surveillance Officers Training Course" means a course or series of courses of instruction provided by the Department, in cooperation with the Illinois ~~Board--Governmental~~ Law Enforcement Officers Training Standards Board, in the legal, practical, and technical aspects of the interception of private oral communications and related investigative and prosecutive techniques.

"Intercept Device" means the specialized equipment developed to interface with a communications common carrier's equipment in order to capture data, including, but not limited to, call data and call content.

"Minimization" refers to measures initiated to prevent the interception of privileged communications and to limit the interception of conversations which are innocent and lack evidentiary or investigative value.

"Recording Media" means a removable write-protectable element of an intercept device used to store data and audio information (e.g., CD-rom, cassette tape, etc.).

"Technical Service Unit" is a component of a law enforcement agency charged with the responsibility for providing support to investigative activities by operating electronic surveillance apparatus, including electronic criminal surveillance devices, alarms, communications apparatus, video equipment, photographic equipment, and night vision devices.

(Source: ~~Nov 21 2001~~ Amended at 25 Ill. Reg. 1562, effective NOV 21 2001)

Section 1295.30 Qualification, Certification, and Recertification of Officers

## DEPARTMENT OF STATE POLICE

## NOTICE OF ADOPTED AMENDMENTS

No person shall engage in the interception of private oral communication as described in the Act, unless authorized to do so pursuant to certification provisions elaborated in this Part.

- a) Qualifications - The qualifications of all candidates for certification as electronic criminal surveillance officers shall be specified in an application to the Director from the chief executive officer of the law enforcement agency which the candidate represents. Such application shall identify the specific level of training/certification which the candidate is authorized to receive and shall include a recommendation of the candidate by the chief executive officer. Other information to be supplied shall include:

- 1) The candidate's name, sex, date of birth, social security number, and agency identification number.
- 2) The candidate's business address and telephone numbers ~~number(s)~~.
- 3) Statement that the candidate is a full-time law enforcement officer.
- 4) A brief synopsis of the candidate's training and service record, including any specialized instruction in the techniques of electronic surveillance.
- 5) A brief statement reflecting the candidate's unit of assignment and present/proposed duties.
- 6) For training for certification as an Electronic Criminal Surveillance Officer III, a statement that the sponsoring agency maintains a Technical Surveillance Unit and that the candidate will be assigned to such Unit subsequent to his/her certification.

- b) Certification - Three ~~3~~ levels of training in Electronic Criminal Surveillance shall be provided by the Department. The levels of training courses provided shall be designated as Electronic Criminal Surveillance Officer I (ECSO I), Electronic Criminal Surveillance Officer II (ECSO II), and Electronic Criminal Surveillance Officer III (ECSO III). Each of these training courses and training courses for recertification shall be certified by the Illinois ~~Local--Governmental~~ Law Enforcement ~~Officers~~ Training Standards Board in compliance with the administrative rules found at 20 Ill. Adm. Code 1720 and shall include training in the legal, practical, and technical aspects of the interception of private oral communications and related investigation and prosecution techniques. Upon successful completion of any one of these ~~three-4~~ 3 courses of training, an officer shall be certified by the Illinois State Police and the Illinois ~~Local--Governmental~~ Law Enforcement ~~Officers~~ Training Standards Board for the particular level of expertise and shall be authorized to perform tasks as herein described for the grade of certification:

- 1) Electronic Criminal Surveillance Officer I: An officer certified as an Electronic Criminal Surveillance Officer I (ECSO I) shall be permitted to prepare petitions for the authority to intercept private oral communications in accordance with the provisions of the Act; to intercept and supervise the interception of

## DEPARTMENT OF STATE POLICE

## NOTICE OF ADOPTED AMENDMENTS

conversations; to handle, safeguard, and utilize evidence derived from such conversations; and to operate and maintain equipment used to intercept such conversations. ECSO I certification, unless renewed by recertification, expires in ~~three-4~~ 3 years.

- 2) Electronic Criminal Surveillance Officer II: An officer certified as an Electronic Criminal Surveillance Officer II (ECSO II) shall be authorized to install, maintain, repair, and remove electronic criminal surveillance devices designed or intended for use in intercepting private wire communications as defined by the Act. An ECSO II shall also have the full powers granted by ECSO I certification. ECSO II certification, unless renewed by recertification, expires in ~~4 three-4~~ 3 years.
- 3) Electronic Criminal Surveillance Officer III: An officer certified as an Electronic Criminal Surveillance Officer III (ECSO III) can, when authorized by the Court, unobtrusively enter into any vehicle, structure, or property of another for the purpose of installing, maintaining, or removing electronic criminal surveillance devices. An ECSO III shall also have the full powers granted by ECSO II and ECSO I certification. ECSO III certification, unless renewed by recertification, expires in ~~2 years eighteen-18~~ 2 years.
- 4) Certification as an ECSO II requires prior certification as an ECSO I. Certification as an ECSO III requires prior certification as an ECSO II.
- 5) Training for recertification of an ECSO II and ECSO III shall encompass all topics and information conveyed to subordinate levels.
- 6) Each law enforcement officer certified in accordance with this Part shall be issued registered credentials which identify the extent of each officer's authority.

(Source: Amended at 25 Ill. Reg. 15626, effective July 21, 2001)

## Section 1295.40 Revocation of Certification

The Director, with the concurrence of the Illinois ~~Local--Governmental~~ Law Enforcement ~~Officers~~ Training Standards Board, shall have the power to revoke or suspend any certification granted under this Part. The procedure to revoke or suspend certification shall be as follows:

- a) If the Director receives an allegation from any source that a certified Electronic Criminal Surveillance Officer is violating any law relating to electronic criminal surveillance or is violating any provision of this Part, the Director shall investigate the allegation. The Director shall notify the Illinois ~~Local--Governmental~~ Law Enforcement ~~Officers~~ Training Standards Board of all such investigations.
- b) At the conclusion of the investigation, the Director shall review the



## DEPARTMENT OF STATE POLICE

## NOTICE OF ADOPTED AMENDMENTS

findings with the Illinois ~~Local-Governmental~~ Law Enforcement Officers Training Standards Board.

- c) If the Director and the Illinois ~~Local-Governmental~~ Law Enforcement Officers Training Standards Board conclude that the officer has intentionally violated the law or has intentionally violated the civil rights of any party, the officer's certification shall be revoked and his/her credentials impounded and destroyed. An officer whose credentials have been revoked shall not be eligible for certification or recertification for a period of ~~five~~ 5 years.
- d) If the Director and the Illinois ~~Local-Governmental~~ Law Enforcement Officers Training Standards Board conclude that the officer has violated any requirement of this Part, the officer's certification shall be suspended and impounded until the officer has successfully completed a recertification training course.
- e) The Director shall notify, within ~~ten~~ 10 days of such decision, in writing the officer and the chief executive officer of the agency for which the officer is employed of any decision to revoke or suspend the officer's certification.

(Source: Amended at 25 Ill. Reg. 15626, effective NOV 21 2001)

## Section 1295.50 Recording and Minimization Standards

Electronic Criminal Surveillance Officers shall comply with the minimization standards required by the Act and this Part:

- a) Minimization requires that the intercepting officer must use his/her judgement and background knowledge of the criminal investigation and its participants, together with facts and circumstances that develop in the overheard conversations, to refrain from intercepting nonpertinent, innocent, or privileged conversations as they take place.
- b) Judgements concerning minimization decisions shall be based on the knowledge possessed by the interception officer at the time of the decision. Examples of factors to be considered are as follows:
  - 1) The nature and scope of the criminal activity being investigated.
  - 2) The use of ambiguous, guarded, coded, or foreign language.
  - 3) The location of the telephone or facility.
  - 4) The expectation of the intercepted conversation containing statements relating to criminal conduct.
  - 5) The likelihood of the interception containing privileged communications.
- c) Officers authorized to supervise the interception of private oral communications shall, if possible, ascertain the identities and phone numbers of targeted conspirators, spouses, attorneys, clergymen, and physicians. Such available information shall be disseminated to all officers charged with responsibility for intercepting the referenced communications in order to assist in identifying potentially

## DEPARTMENT OF STATE POLICE

## NOTICE OF ADOPTED AMENDMENTS

privileged communications.

- d) Minimization shall be a simultaneous process involving the cessation of audio interception, monitoring and recording, and the registering of such information ~~on the output-tape of the dictated-number-recorder (if such device is utilized)~~. All such transactions shall be documented on the Intercept Log.
- e) Spot monitoring of apparently privileged and nonpertinent conversations shall be permitted in order to ensure that such conversations do not lose their privileged and innocent character. This process shall be used to safeguard against instances where conspirators assume the identities of privileged parties to initiate nonpertinent conversations to mask criminal communications. All such spot monitoring shall be reflected on the Intercept Log.

(Source: Amended at 25 Ill. Reg. 15626, effective NOV 21 2001)

## Section 1295.60 Documentation Requirements

The following documents shall be completed and maintained with respect to any interception of private oral communication authorized by the Act:

- a) Monitor's Intercept Log shall be maintained. It shall include the monitors' ~~monitors' names~~ names; the date and shift; the intercept case number; the designation number of recording media ~~cassette~~ number; the name of the subject; the court order number; and for each call, identification of the call as outgoing or incoming and the caller and called parties; the start and finish time of the call; call tag data the-tape-footage; whether the call was pertinent; whether any minimization was required; if any spot checks were made; a summary of the call; and the initials of the party making the entry.
- b) Monitor's Post Log shall be maintained. It shall include the case number; the shift and date; the case investigator; and for each individual present at the monitor post, the person's name and agency; the time in and time out of the monitor post; the person's reason for being at the monitoring post; and an acknowledgement that the person is aware of all instructions from judges, prosecutors, and supervising officers concerning the execution of the court order authorizing the intercept.
- c) Investigative--~~Report--by each officer participating in the electronic surveillance shall be completed--it shall include the times and dates of the officer's surveillance; a list of the calls monitored--by the officer--and the pertinent information derived; and the steps taken to secure and safeguard the evidentiary tapes generated--~~

(Source: Amended at 25 Ill. Reg. 15626, effective NOV 21 2001)

## Section 1295.70 Evidence Handling Procedures

## DEPARTMENT OF STATE POLICE

## NOTICE OF ADOPTED AMENDMENTS

The following procedures shall apply to the handling of evidence tapes generated pursuant to these provisions:

- a) Based on the operating specifications of the intercept equipment, all intercepted conversations will be recorded on the appropriate recording media for that device. ~~A new cassette tape shall be placed in the recorder at the beginning of each shift, regardless of whether or not conversation has been recorded by officers assigned to the previous shift.~~
- b) Each shift shall produce a copy of all recorded conversations on the applicable recording media. This copy will be write-protected before marking and sealing as evidence. This will be done whether or not conversations have been recorded by assigned personnel during the course of the shift. ~~The recording tabs will immediately be broken-off upon removing the cassette from the recorder. Such action must precede any other, including the rewinding of cassettes.~~
- c) At the conclusion of the shift, a recording of all intercepted conversations, in company with any related documentation generated by the shift monitor, will be sealed in an envelope. Identifying information must be entered on the envelope and shall include, but is not limited to, the following: ~~Each cassette shall be marked and placed within its own individual evidence envelope. Notations shall be entered on the exterior of referenced evidence envelope identifying its contents.~~
  - 1) Information identifying the specific investigation.
  - 2) A listing of the individual exhibits the envelope contains.
  - 3) The inclusive times and dates during which the referenced evidence exhibits were obtained.
  - 4) The identity of the interception officers.
- d) ~~At the conclusion of the shift, all such evidence envelopes shall be placed within a larger evidence envelope in company with any related original register tape from the dated number recorder and the original intercept logs for the shift. Identifying information must then be entered on the envelope which contains the cassettes, logs and register tapes. Such information shall include, but is not limited to, the following:~~
  - 1) Information identifying the specific investigation.
  - 2) A listing of the individual exhibits which the envelope contains.
  - 3) The inclusive times and dates during which the referenced evidence exhibits were obtained.
  - 4) The identity of the interception officer(s).
- e) The envelope, containing the referenced documents and recording media cassettes, shall then be deposited in an evidence locker or other secure facility.
- ef) Officers shall retain copies of the referenced documents and recording media cassettes for investigative and disclosure purposes as authorized by law.

(Source: Amended at 25 Ill. Reg. 15634, effective

## DEPARTMENT OF STATE POLICE

## NOTICE OF ADOPTED AMENDMENTS

NOV 21 2001

## Section 1295.80 Specifications for Materials and Equipment

- a) The materials and equipment used for electronic criminal surveillance shall be of a type and quality sufficient to satisfy the requirements of the Act and ensure adequate collection and preservation of evidence. The following standards outlined in subsection (b) shall be met or exceeded:
  - b) 1) Intercept device ~~labeled~~ Number-Recorder equipment shall:
    - 1) ~~Operate in direct-connect, loop-extender, or slave modes.~~
    - 2) Include audio monitoring capabilities.
    - 3) Include controls to facilitate minimization.
    - 4) Provide printed documentation of all minimization incidents.
    - 5) Include capacity to record onto original removable media.
    - 6) Display call data.
    - 7) Use virgin recording media and shall protect the recording from editing or other alterations.
    - 8) Document minimization incidents.
    - 9) Include real-time monitor for display and printer.
    - 10) Include capacity to drive audio recorders.
    - 11) Include battery backup sufficient to maintain operation in the event of power outage.
    - 12) Include key-pad controls to facilitate minimization.
    - 13) Include controls to enable 1-button minimization action.
  - b) Audio recording equipment shall be 3-head audio cassette format with counter.
  - c) Audio recording tapes shall be virgin leaderless standard cassette format with one minimum thickness and shall only be used to record on one side of tape.
  - d) The make, model, and serial numbers of all equipment used for electronic criminal surveillance under the provisions of the Act and this Part shall be registered by the Department.

(Source: Amended at 25 Ill. Reg. 15635, effective NOV 21 2001)



## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF EMERGENCY RULES

1) Heading of Part: Accessible Housing Demonstration Grant Program

2) Code Citation: 47 Ill. Adm. Code 355

3) Section Numbers: Emergency Action:

355.101	New
355.102	New
355.103	New
355.104	New
355.105	New
355.106	New
355.107	New
355.108	New
355.109	New
355.110	New
355.201	New
355.202	New
355.203	New
355.204	New
355.205	New
355.206	New
355.207	New
355.208	New
355.209	New
355.210	New
355.301	New
355.302	New
355.303	New
355.304	New
355.305	New
355.306	New
355.307	New
355.308	New
355.309	New
355.310	New
355.401	New
355.402	New
355.403	New
355.404	New
355.405	New
355.406	New
355.407	New
355.408	New
355.501	New
355.502	New
355.503	New
355.504	New
355.601	New

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF EMERGENCY RULES

4) Statutory Authority: Section 7.28 of the Illinois Housing Development Act [20 ILCS 3805/7.28].

5) Effective Date of Rule: November 26, 2001

6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

7) Date Filed with the Index Department: November 26, 2001

8) A copy of the emergency rule is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: The affordable housing tax credit program was authorized on August 23, 2001. If the rules do not go into effect immediately, the affordable housing tax credits for State fiscal year 2002 cannot be allocated, thus defeating the purpose of the legislation.

10) A Complete Description of the Subjects and Issues Involved: These rules involve the administration of the affordable housing tax credit program.

11) Are there any proposed amendments to this Part Pending? No

12) Statement of Statewide Policy Objectives: This proposed rule does not create, expand or modify a State mandate.

13) Information and questions regarding this rule shall be directed to:

Richard B. Muller  
Illinois Housing Development Authority  
401 N. Michigan Ave., Ste. 900  
Chicago IL 60611  
312/836-5327

The full text of the emergency rule begins on the next page:

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY RULES

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT  
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 355

ILLINOIS AFFORDABLE HOUSING TAX CREDIT PROGRAM

SUBPART A: GENERAL RULES

Section  
355.101 Authority  
EMERGENCY  
355.102 Purpose and Objectives  
EMERGENCY  
355.103 Definitions  
EMERGENCY  
355.104 Compliance with Federal Law  
EMERGENCY  
355.105 Forms and Procedures for the Program  
EMERGENCY  
355.106 Fees and Charges  
EMERGENCY  
355.107 Amendment  
EMERGENCY  
355.108 Severability  
EMERGENCY  
355.109 Gender and Number  
EMERGENCY  
355.110 Titles and Captions  
EMERGENCY

SUBPART B: AFFORDABLE HOUSING TAX CREDIT ALLOCATIONS

355.201 Authority to Allocate Affordable Housing Tax Credits  
EMERGENCY  
355.202 Transfer of Agency Affordable Housing Tax Credit Ceiling  
EMERGENCY  
355.203 Application Process  
EMERGENCY  
355.204 Agency Review  
EMERGENCY  
355.205 Approval or Rejection by Agency  
EMERGENCY  
355.206 Sponsor Participation  
EMERGENCY  
355.207 Regulatory Agreement for Rental Projects  
EMERGENCY  
355.208 Affordable Housing Project Documentation and Certification  
EMERGENCY

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY RULES

355.209 Affordable Housing Tax Credit Allocation  
EMERGENCY  
355.210 Recapture of Affordable Housing Tax Credits  
EMERGENCY

SUBPART C: DONATIONS

355.301 Acceptable Types of Donations  
EMERGENCY  
355.302 Aggregation of Donations  
EMERGENCY  
355.303 Minimum Donation Amount  
EMERGENCY  
355.304 Cash  
EMERGENCY  
355.305 Securities  
EMERGENCY  
355.306 Real Property  
EMERGENCY  
355.307 Personal Property  
EMERGENCY  
355.308 Limitation on Donations  
EMERGENCY  
355.309 Transfer of Affordable Housing Tax Credits  
EMERGENCY  
355.310 Material Participation of Sponsor  
EMERGENCY

SUBPART D: AFFORDABLE HOUSING PROJECTS

355.401 Single Family Project Requirements  
EMERGENCY  
355.402 Down Payment and Closing Cost Assistance  
EMERGENCY  
355.403 Employer-Assisted Housing Projects  
EMERGENCY  
355.404 Recapture Agreement  
EMERGENCY  
355.405 Multifamily Housing Projects  
EMERGENCY  
355.406 Set-Aside for Technical Assistance and General Operating Support  
EMERGENCY  
355.407 Limitations on Amount of Technical Assistance and General  
EMERGENCY Operating Support  
355.408 Technical Assistance--Home Ownership Counseling  
EMERGENCY

SUBPART E: COMPLIANCE MONITORING



## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF EMERGENCY RULES

355.501 Compliance Monitoring  
EMERGENCY  
355.502 Monitoring Fees  
EMERGENCY  
355.503 Books and Records  
EMERGENCY  
355.504 Furnishing Information  
EMERGENCY

## SUBPART F: REPORTS

355.601 Agency Reports  
EMERGENCY

AUTHORITY: Section 7.28 of the Illinois Housing Development Act [20 ILCS 3805/7.28].

SOURCE: Adopted by emergency rulemaking at 25 Ill. Reg. 15636, effective November 26, 2001, for a maximum of 150 days.

## SUBPART A: GENERAL RULES

**Section 355.101 Authority  
EMERGENCY**

This Part is established to set forth the standards for the allocation of Affordable Housing Tax Credits by the Illinois Housing Development Authority under Section 7.28 of the Illinois Housing Development Act [20 ILCS 3805/7.28] in connection with the acquisition, construction, rehabilitation and financing of, or the provision of financing assistance for, affordable housing.

**Section 355.102 Purpose and Objectives  
EMERGENCY**

This Part is established to accomplish the purposes of Section 7.28 of the Illinois Housing Development Act and Section 214 of the Illinois Income Tax Act [35 ILCS 5/214], and in particular the awarding of Affordable Housing Tax Credits in connection with the acquisition, construction, rehabilitation and financing of Affordable Housing Projects for Low-Income Households.

**Section 355.103 Definitions  
EMERGENCY**

As used in this Part, the following words or terms mean:

"Act": The Illinois Housing Development Act [20 ILCS 3805].

"Affordable Housing Project": A housing project that is either:

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF EMERGENCY RULES

a rental project in which at least 25% of the units that have rents (including tenant-paid heat) that do not exceed, on a monthly basis, 30% of the gross monthly income of a Household earning the maximum income for a Low-Income Household in the geographical area in which the Affordable Housing Project is located and that are occupied by persons and families who qualify as Low-Income Households; or

a unit for sale to Low-Income Households and who will pay no more than 30% of their gross household income for mortgage principal, interest, property taxes, and property insurance upon the purchase of the unit.

"Affordable Housing Restrictions": The income and occupancy restrictions for an Affordable Housing Project required by Section 7.28 and this Part, or those set forth in the Application for the Affordable Housing Project, whichever are more stringent.

"Affordable Housing Tax Credits": Affordable Housing Tax Credits, as authorized by Section 7.28 of the Act and Section 214 of the Illinois Income Tax Act.

"Affordable Housing Tax Credit Ceiling": The aggregate amount of Affordable Housing Tax Credits available for Allocation in a State fiscal year.

"Agency": The Authority, the City of Chicago or any other municipality that may subsequently be designated by law as an agency for the Allocation of Affordable Housing Tax Credits.

"Agency Affordable Housing Tax Credit Ceiling": That portion of the total amount of Affordable Housing Tax Credits available for Allocation in a State fiscal year that is available for Allocation by an Agency. That amount is 24.5% of the Affordable Housing Tax Credit Ceiling for the City of Chicago, and 75.5% of the Affordable Housing Tax Credit Ceiling for the Authority.

"Agency Head": The Executive Director of the Authority or the Housing Commissioner of the City of Chicago.

"Allocation": An award by an Agency of Affordable Housing Tax Credits in connection with an Affordable Housing Project.

"Applicant": The Sponsor applying for an Allocation.

"Application": An application to an Agency for Affordable Housing Tax Credits submitted by an Applicant in connection with an Affordable Housing Project, including the required supporting documentation.

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF EMERGENCY RULES

"Authority": The Illinois Housing Development Authority.

"Certificate": The Certificate issued by an Agency evidencing the Allocation of Affordable Housing Tax Credits in connection with an Affordable Housing Project. The Certificate shall state the effective date of the Allocation.

"Compliance Period": The period during which an Affordable Housing Project is obligated to comply with the Affordable Housing Restrictions, as set forth in the Application for such Affordable Housing Project. The Compliance Period for each Affordable Housing Project shall be a minimum of 10 years, except for:

Single Family Projects in which a Sponsor provides down payment and closing cost assistance to Low-Income Households purchasing a Single Family Residence, in which case the Compliance Period shall be 5 years, and

Hardship cases, as provided in Section 355.404 of this Part.

"Donation": Money, securities, or real or personal property that is provided without consideration to a Sponsor for an Affordable Housing Project and that is used for:

costs associated with purchasing, rehabilitating constructing, or providing financing for that Affordable Housing Project, including fees for attorneys, architects, accountants, surveyors and appraisers;

Technical Assistance for that Affordable Housing Project; or

General Operating Support of the Sponsor in connection with that Affordable Housing Project.

"Donor": An individual or entity making a Donation.

"Employer-Assisted Housing Project": An Affordable Housing Project that involves down payment and closing cost assistance, reduced-interest mortgages, mortgage guarantee programs, rental subsidies, or individual development account savings plans that are:

provided by employers to employees to assist them in securing housing near the employer's work place;

restricted to housing near such work place; and

restricted to employees who qualify as Moderate-Income Households.

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF EMERGENCY RULES

"General Operating Support": Any cost incurred by a Sponsor in connection with an Affordable Housing Project that is a part of the Sponsor's general operating costs; operating costs are not limited to costs directly incurred in connection with the Affordable Housing Project, but may include general overhead expenses of the Sponsor.

"Household": A single person, family or unrelated persons living together.

"Initial Closing Date": The date on which all legal requirements for the funding of an Affordable Housing Project have been met, as determined by the funding sources for the Affordable Housing Project, and the funds are made available for distribution.

"Low-Income Household": A Household whose adjusted income is less than or equal to 60% of the median income of the geographical area of the Household's Affordable Housing Project, adjusted for family size, as such adjusted income and median income for the geographical area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937 (42 USC 1437).

"Material Participation": An individual or entity provides personal services on a regular, continuous, and substantial basis for more than 500 hours during each year in connection with an Affordable Housing Project; and such provision of services constitutes substantially all of the provision of such services for the Affordable Housing Project by all individuals or entities (including individuals and entities who do not hold ownership interests in the Affordable Housing Project) for that year.

"Members": The Members of the Authority.

"Moderate-Income Household": A Household whose adjusted income is less than 120% of the median income of the geographical area of the Household's Affordable Housing Project, adjusted for family size, as such adjusted income and median income for the geographical area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937 (42 USC 1437).

"Multifamily Housing Project": An Affordable Housing Project comprised of one or more buildings (other than Single Family Residences) containing an aggregate of five or more rental units.

"Program": The Illinois Affordable Housing Tax Credit Program.

"Rules": The administrative rules of the Authority set forth in this



## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF EMERGENCY RULES

Part, as amended and supplemented from time to time.

"Reservation": An Agency's conditional reservation of Affordable Housing Tax Credits in connection with an Affordable Housing Project. A Reservation shall be valid for a period no longer than 24 months from the date of the Reservation Letter. If the Initial Closing Date of the Affordable Housing Project has not occurred within that period, the Reservation shall expire and shall not be renewed.

"Reservation Letter": The letter from an Agency to a Sponsor conditionally reserving Affordable Housing Tax Credits in connection with the Sponsor's proposed Affordable Housing Project.

"Section 7.28": Section 7.28 of the Act.

"Single Family Project": An Affordable Housing Project consisting of:

the construction of Single Family Residences; or

the rehabilitation of 2, 3, or 4 unit buildings; or

the rehabilitation of Single Family Residences, which are then sold or rented; or

the financing of Single Family Residences using junior mortgages with a below market interest rate; or

construction subsidies to lower the purchase price of Single Family Residences; or

Employer-Assisted Housing Projects.

"Single Family Residence": A house, condominium, townhouse or other residence used for occupancy by a single Household as its primary residence.

"Sponsor": A not-for-profit organization that is:

organized under the General Not For Profit Corporation Act of 1986 [805 ILCS 105] for the purpose of constructing or rehabilitating affordable housing units in this State; or

organized for the purpose of constructing or rehabilitating affordable housing units and has been issued a ruling from the Internal Revenue Service of the United States Department of the Treasury that the organization is exempt from income taxation under provisions of the Internal Revenue Code; or

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF EMERGENCY RULES

an organization designated as a community development corporation by the United States Government under Title VII of the Economic Opportunity Act of 1964.

"State": The State of Illinois.

"Technical Assistance": Any cost incurred by a Sponsor for:

planning for an Affordable Housing Project,

assistance with an Application, or

counseling services provided to prospective purchasers of a Single Family Residence in connection with a Single Family Project, except as provided in Section 355.408 of this Part.

"Very Low-Income Household": A Household whose adjusted income is less than or equal to 50% of the median income of the geographical area of the Household's Affordable Housing Project, adjusted for family size, as such adjusted income and median income for the geographical area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937 (42 USC 1437).

**Section 355.104 Compliance with Federal Law  
EMERGENCY**

Notwithstanding anything in this Part to the contrary, this Part shall be construed in conformity and compliance with applicable federal law.

**Section 355.105 Forms and Procedures for the Program  
EMERGENCY**

An Agency may prepare, use, supplement, and amend forms, agreements, and other documents and procedures as may be necessary to implement the Program, all as may be prescribed by the Agency Head.

**Section 355.106 Fees and Charges  
EMERGENCY**

In connection with an Application, an Agency may collect a fee from the Sponsor in an amount not to exceed \$200, payable when the Application is submitted. In connection with an Allocation, an Agency may collect a fee from the Sponsor in an amount not to exceed \$500, payable on or before the date of the Allocation. The Allocation fee may include a credit for the amount of the Application fee.

**Section 355.107 Amendment  
EMERGENCY**

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF EMERGENCY RULES

This Part may be supplemented, amended, or repealed by the Members, from time to time and in such manner as they may determine consistent with this Part, the Act, including but not limited to Section 7.28, and other applicable provisions of law. This Part shall not constitute or create any contractual rights.

**Section 355.108 Severability  
EMERGENCY**

If any clause, sentence, paragraph, subsection, Section, or Subpart of this Part is adjudged by any court of competent jurisdiction to be invalid, that judgment shall not affect, impair, or invalidate the remainder of this Part, but shall be confined in its operation to the clause, sentence, paragraph, subsection, Section, or Subpart as to which that judgment is rendered.

**Section 355.109 Gender and Number  
EMERGENCY**

All terms used in any one gender or number shall be construed to include any other gender or number as the context may require.

**Section 355.110 Titles and Captions  
EMERGENCY**

Titles and captions of Subparts, Sections, and subsections are used for convenience and reference and are not a part of the text.

## SUBPART B: AFFORDABLE HOUSING TAX CREDIT ALLOCATIONS

**Section 355.201 Authority to Allocate Affordable Housing Tax Credits  
EMERGENCY**

For any State fiscal year, an Agency may reserve and/or allocate Affordable Housing Tax Credits in an amount not to exceed the Agency Affordable Housing Tax Credit Ceiling. Any Affordable Housing Tax Credits in the Agency Affordable Housing Tax Credit Ceiling that are not reserved or allocated during that State fiscal year shall expire and shall not be reserved or allocated in any succeeding State fiscal year.

**Section 355.202 Transfer of Agency Affordable Housing Tax Credit Ceiling  
EMERGENCY**

After March 1 of a State fiscal year, an Agency may transfer all or a portion of its Agency Affordable Housing Tax Credit Ceiling for that State fiscal year to another Agency.

**Section 355.203 Application Process  
EMERGENCY**

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF EMERGENCY RULES

A Sponsor may apply for an Allocation by submitting an Application on forms prescribed by an Agency that may require the following information:

- a) The name and location of the proposed Affordable Housing Project;
- b) The name, address and telephone number of the Sponsor and the proposed owner of the Affordable Housing Project, and, if known, the attorney, accountant, architect, general contractor and consultant for the Affordable Housing Project;
- c) A copy of the Sponsor's current Articles of Incorporation, certified by the Secretary of State or equivalent official of the state of incorporation;
- d) A history of the Sponsor's experience in developing housing, and low-income housing in particular;
- e) A complete description of the proposed Affordable Housing Project, including but not limited to the site, the number and type of units and a rent schedule for the Affordable Housing Project (if applicable), and identifying any proposed tenant populations with special housing needs;
- f) The amount of the proposed financing for the Affordable Housing Project, including letters of interest or commitments from prospective lenders;
- g) The nature and amount of the proposed or anticipated Donation;
- h) For a Multifamily Housing Project, the percentage of units to be reserved for Low-Income Households and Very Low-Income Households;
- i) The estimated total cost of the proposed Affordable Housing Project, including the cost of land acquisition, the cost of construction, the amount of projected reserves, architects' fees, attorneys' fees, accountant's fees, surveyor's fees, title insurance and all other costs associated with the Affordable Housing Project;
- j) A schedule for the proposed Affordable Housing Project showing the anticipated Initial Closing Date and the anticipated date of completion;
- k) The amount of General Operating Support requested, if any, and the purposes for which it will be used;
- l) The amount of Technical Assistance requested, if any, and the purposes for which it will be used;
- m) The amount of Affordable Housing Tax Credits requested;
- n) A certification from the Sponsor certifying to the Agency that all information contained in the Application and all accompanying information is true and accurate to the best of the Sponsor's knowledge; and
- o) Any additional documentation of the information provided in the Application that the Agency may require in order to confirm the information in the Application, such as a legal description of the Affordable Housing Project site, etc.

**Section 355.204 Agency Review  
EMERGENCY**



## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF EMERGENCY RULES

The Agency shall review each complete Application and approve or reject it. The Agency's review of an Application shall include, but not be limited to, the following criteria (where applicable):

- a) Section 7.28 Requirements. The ability of the Affordable Housing Project to meet the requirements of Section 7.28 and this Part throughout the Compliance Period;
- b) Financial Feasibility. The financial feasibility of the Affordable Housing Project, taking into the consideration the existing housing for Low-Income Households in the geographical area in which the Affordable Housing Project will be located, the cost of the Affordable Housing Project, the projected income of the Affordable Housing Project, and all sources of financing for the Affordable Housing Project, including owner's equity;
- c) Sponsor's Ability. The ability of the Sponsor to successfully construct the Affordable Housing Project and place it in service, taking into consideration the construction or other schedule submitted with the Application, the Sponsor's experience in the development, construction and/or rehabilitation of housing, and the size and scope of the Affordable Housing Project;
- d) Site Control. Evidence of site control, satisfactory to the Agency, for the Affordable Housing Project, which shall include, but not be limited to, a purchase contract, an option to purchase, or a letter of intent from a prospective Donor of real property or from a governmental agency;
- e) Donations. The amount of the proposed or anticipated Donation and the Sponsor's plan for obtaining the Donation;
- f) Location. The need for housing for Low-Income Households in the geographical area in which the Affordable Housing Project will be located, based on census data, social surveys, published data, or on-site inspections; and the location of other Affordable Housing Projects for which the Agency has allocated or reserved Affordable Housing Tax Credits;
- g) Housing Stock. The likelihood that the Affordable Housing Project will increase the quality and quantity of housing stock and redevelop blighted areas or prevent the occurrence of slum conditions;
- h) Preservation. The likelihood that the Affordable Housing Project will preserve housing projects in danger of being lost as affordable housing stock;
- i) Involuntary Displacement. For Multifamily Housing Projects involving rehabilitation, the Sponsor must minimize involuntary displacement of current tenants who are Low-Income Households, taking into consideration their safety during rehabilitation and the scope and nature of the proposed rehabilitation;
- j) Special Needs Populations. The availability and accessibility of the Affordable Housing Project for special needs populations, including, but not limited to, homeless or displaced individuals, persons with physical, mental or developmental disabilities, persons with alcohol or substance abuse problems, and persons with AIDS and related

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF EMERGENCY RULES

- k) Compliance Period. Whether the Compliance Period of the Affordable Housing Project exceeds the minimum requirements of Section 7.28;
- l) Lower Income Households. The ability of the Affordable Housing Project to serve Households with incomes less than the maximum income for Low-Income Households for the geographical area in which the Affordable Housing Project will be located.

Section 355.205 Approval or Rejection by Agency  
EMERGENCY

- a) Upon an Agency's completion of its review of an Application, the Agency shall notify the Sponsor in writing of its approval or rejection of the Application.
- b) Upon the approval of an Application, the Agency shall issue a Reservation Letter conditionally reserving Affordable Housing Tax Credits for the Affordable Housing Project. The amount of the Affordable Housing Tax Credits reserved shall be 50% of the amount of the proposed or actual Donation.
- c) The Reservation Letter shall set forth the terms and conditions upon which the Affordable Housing Tax Credits will be allocated to the Affordable Housing Project, including, but not limited to:
  - 1) Full compliance by both the Sponsor and the proposed Affordable Housing Project with the requirements of Section 7.28 and this Part;
  - 2) Certification from the Sponsor certifying to the Agency that the Sponsor and the Affordable Housing Project will be in full compliance with the requirements of Section 7.28 and this Part and will continue to be in compliance during the Compliance Period;
  - 3) Certification from the Sponsor that there will be no change in the Sponsor, the Sponsor's ownership structure or the structure of the Affordable Housing Project without the prior written approval of the Agency; and
  - 4) Execution of either a Regulatory Agreement, as required by Section 355.207 of this Part, or one or more Recapture Agreements, as required by Section 355.404 of this Part.
- d) The Sponsor shall have 12 months from the date of the Reservation Letter to obtain a Donation for the Affordable Housing Project. This period may be extended for an additional period of up to 12 months upon written request to the Agency, provided that the Sponsor shows evidence of progress toward the Initial Closing of the Affordable Housing Project.

Section 355.206 Sponsor Participation  
EMERGENCY

The Sponsor must have a Material Participation in the development and operation

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF EMERGENCY RULES

of its Affordable Housing Project throughout the Compliance Period.

**Section 355.207 Regulatory Agreement for Rental Projects  
EMERGENCY**

The Sponsor and the owner of each Affordable Housing Project that involves the rental of housing units shall enter into a Regulatory Agreement with the allocating Agency before the Agency allocates Affordable Housing Tax Credits in connection with that Affordable Housing Project. Under the Regulatory Agreement, the owner of the Affordable Housing Project shall be required to adhere to the Affordable Housing Restrictions for a period equal to the Compliance Period, and agree not to transfer the ownership, or change the ownership structure of the owner of the Affordable Housing Project, without the approval of the Agency. The Regulatory Agreement shall be recorded in the Office of the Recorder of Deeds in the county where the Affordable Housing Project is located as a restrictive covenant on the Affordable Housing Project. If the Affordable Housing Project is receiving financing from lenders that require rental and occupancy restrictions on the Affordable Housing Project, the Affordable Housing Restrictions may, upon the written approval of the Agency, be incorporated into the documents containing the lenders' occupancy and rental restrictions, provided that:

- a) the Agency is made a party to the agreement in which the lenders' restrictions are incorporated; and
- b) the Agency shall have the right under that agreement to enforce the Affordable Housing Restrictions.

**Section 355.208 Affordable Housing Project Documentation and Certification  
EMERGENCY**

On or before the Initial Closing Date of an Affordable Housing Project, the Sponsor shall provide to the Agency the following documentation:

- a) a certification of the amount of the Donation and documentation as the Agency shall require to substantiate the facts set forth in the certification;
- b) the name and address of the Sponsor;
- c) the total number of units or Single Family Residences;
- d) the number of units or Single Family Residences to be occupied by Low-Income and Very Low-Income Households;
- e) the type of Households to be served (such as elderly or special needs);
- f) for Multifamily Housing Projects, the number of bedrooms in each unit; and
- g) the amount of Affordable Housing Tax Credits allocated for General Operating Support and Technical Assistance, and the uses of such General Operating Support and Technical Assistance.

**Section 355.209 Affordable Housing Tax Credit Allocation  
EMERGENCY**

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF EMERGENCY RULES

Upon the Initial Closing of an Affordable Housing Project and receipt by the Agency of all requested documentation, in a format acceptable to the Agency, that establishes to the satisfaction of the Agency that the Initial Closing has occurred and the Sponsor and the Affordable Housing Project are in compliance with all the requirements of Section 7.28 and this Part, the Agency shall allocate Affordable Housing Tax Credits in connection with the Affordable Housing Project. The effective date of the Allocation shall be the date set forth in the Reservation Letter to the Sponsor, or the date of the Initial Closing, at the election of the Sponsor. No Allocation shall be made with an effective date earlier than the effective date of Section 7.28. The Agency shall submit forms as the Illinois Department of Revenue may require to notify the Department of the Allocation for the Affordable Housing Project.

**Section 355.210 Recapture of Affordable Housing Tax Credits  
EMERGENCY**

Except in the case of fraud, there shall be no recapture of Affordable Housing Tax Credits after Allocation.

## SUBPART C: DONATIONS

**Section 355.301 Acceptable Types of Donations  
EMERGENCY**

Donations may only be made in the form of cash, securities, or real or personal property. Provision of services of any kind shall not constitute a Donation. Upon receipt of a Donation, a Sponsor shall notify the allocating Agency and provide to the Agency documentation evidencing both the Donation and its value.

**Section 355.302 Aggregation of Donations  
EMERGENCY**

A Sponsor may aggregate a number of Donations into a single Donation in connection with an Affordable Housing Project. The Certificate issued in connection with the Affordable Housing Project shall state the aggregate amount of the Donation; however, the Affordable Housing Tax Credits may be divided pro rata among the Donors of the individual Donations.

**Section 355.303 Minimum Donation Amount  
EMERGENCY**

The minimum amount of a Donation shall be \$10,000. Individual Donations in an aggregated Donation, including Donations that are transferred as permitted under Section 355.309 of this Part, may be less than \$10,000, but the aggregated Donation must be at least \$10,000.

**Section 355.304 Cash  
EMERGENCY**



## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF EMERGENCY RULES

The amount of a cash Donation shall be evidenced by a copy of the check from the Donor.

**Section 355.305 Securities  
EMERGENCY**

Donations of stocks, bonds or other securities shall be documented by the certificate transferring ownership of the security to the Sponsor; the amount of the Donation shall be the market value of the security at the close of the market on the day of the transfer.

**Section 355.306 Real Property  
EMERGENCY**

Donations of real property shall be evidenced by a copy of the recorded deed conveying the fee simple title of the real property to the Sponsor and a title search or equivalent documentation showing that the donor held fee simple title to the real property as of the date of the transfer. The value of the real property shall be determined by a current independent appraisal of the property done by a State-licensed appraiser. An Agency may, in its discretion, have another appraisal done by a State-licensed appraiser; in such a case, the value of the property shall be the lesser of the two appraisals. The beneficial interest in a land trust shall be considered real property.

**Section 355.307 Personal Property  
EMERGENCY**

Donations of personal property shall be valued at the lesser of its fair market value or its cost to the Donor, and may include costs incurred in making the transfer, such as delivery costs, but excluding sales tax.

**Section 355.308 Limitation on Donations  
EMERGENCY**

Funds used by a prospective Donor to acquire an ownership interest in an Affordable Housing Project shall not qualify as a Donation.

**Section 355.309 Transfer of Affordable Housing Tax Credits  
EMERGENCY**

A Donor that has received a Certificate in connection with an Affordable Housing Project may transfer this Certificate to another individual or entity if the transfer is made to an individual or entity that has purchased land for the Affordable Housing Project or another Donor that has made a Donation to the Affordable Housing Project for which the Certificate was issued. The Certificate shall indicate the name of the original Donor and the name of the entity to which the Certificate is transferred.

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF EMERGENCY RULES

**Section 355.310 Material Participation of Sponsor  
EMERGENCY**

No transfer of cash, securities, real property or personal property to a Sponsor shall be a Donation unless the Sponsor is committed to Material Participation in the Affordable Housing Project for the full term of the Compliance Period.

## SUBPART D: AFFORDABLE HOUSING PROJECTS

**Section 355.401 Single Family Project Requirements  
EMERGENCY**

In each Single Family Project, other than Employer Assisted Housing Projects, all of the units or Single Family Residences shall be sold or rented to Low-Income Households.

**Section 355.402 Down Payment and Closing Cost Assistance  
EMERGENCY**

An Agency may make Allocations to Sponsors of Affordable Housing Projects providing only down payment and closing cost assistance only for Employer Assisted Housing Projects.

**Section 355.403 Employer-Assisted Housing Projects  
EMERGENCY**

\$2,000,000 of the Affordable Housing Tax Credit Ceiling for a State fiscal year shall be reserved for Employer-Assisted Housing Projects. If those funds are not reserved for Employer-Assisted Housing Projects by January 31 of that State fiscal year, the funds shall be available for Reservation and Allocation for any type of Affordable Housing Projects.

**Section 355.404 Recapture Agreement  
EMERGENCY**

Each Household receiving assistance under a Single Family Project in connection with the purchase of a Single Family Residence shall enter into a Recapture Agreement with the Sponsor. The Recapture Agreement shall create a lien on the Single Family Residence and shall provide that, if the Single Family Residence is transferred during the term of the Compliance Period, other than by will, inheritance or a transfer by law to a joint tenant owner, the Household shall repay to the Sponsor a pro-rated portion of any funds provided as a grant or subsidy toward the purchase of the Single Family Residence. In cases of hardship to a Low-Income Household, such as serious illness or loss of employment, an Agency may shorten the Compliance Period.

**Section 355.405 Multifamily Housing Projects**

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF EMERGENCY RULES

**EMERGENCY**

An Agency may make Allocations for Multifamily Housing Projects that involve the construction or rehabilitation of multifamily rental housing buildings.

**Section 355.406 Set-Aside for Technical Assistance and General Operating Support  
EMERGENCY**

\$1,000,000 of the Affordable Housing Tax Credit Ceiling for a State fiscal year shall be reserved for Technical Assistance and General Operating Support.

**Section 355.407 Limitations on Amount of Technical Assistance and General Operating Support  
EMERGENCY**

No Affordable Housing Project shall receive Affordable Housing Tax Credits for Technical Assistance and General Operating Support for the Sponsor of the Affordable Housing Project in an amount greater than 10% of the Allocation for the Affordable Housing Project.

**Section 355.408 Technical Assistance--Home Ownership Counseling  
EMERGENCY**

An Agency Head may determine that his or her Agency will allocate Affordable Housing Tax Credits for Technical Assistance for Donations to entities that provide home ownership counseling services unconnected to a particular Affordable Housing Project. All such home ownership counseling services shall be provided to Households that qualify as Low-Income Households as of the date of the provision of the services.

## SUBPART E: COMPLIANCE MONITORING

**Section 355.501 Compliance Monitoring  
EMERGENCY**

The allocating Agency will annually monitor the compliance of each Affordable Housing Project providing rental housing.

**Section 355.502 Monitoring Fees  
EMERGENCY**

An Agency may charge an annual fee for compliance monitoring in an amount not to exceed the following: Affordable Housing Projects containing 1-10 units, \$75; Affordable Housing Projects containing 10-20 units, \$150; and Affordable Housing Projects containing more than 20 units, \$7.50 per unit.

**Section 355.503 Books and Records**

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF EMERGENCY RULES

**EMERGENCY**

The books and records of each Affordable Housing Project and its Sponsor shall be subject to inspection, examination and copying by the allocating Agency and its authorized representatives or agents at such times as the allocating Agency reasonably requires for the purpose of determining whether the Affordable Housing Project is in compliance with Section 7.28 and this Part.

**Section 355.504 Furnishing Information  
EMERGENCY**

The Sponsor of each Affordable Housing Project shall furnish such information and operating reports as the allocating Agency shall require in connection with the monitoring of the Affordable Housing Project for compliance with Section 7.28 and this Part.

## SUBPART F: REPORTS

**355.601 Agency Reports  
EMERGENCY**

Each Agency shall submit quarterly reports to the Authority setting forth the Agency's activities under the Program for that quarter. The report shall include the following information:

- a) the amount of Affordable Housing Tax Credits reserved or allocated since the date of the last report;
- b) the name and address of the Sponsor of each Affordable Housing Project;
- c) For each Affordable Housing Project:
  - 1) the amount of Affordable Housing Tax Credits reserved or allocated;
  - 2) the total number of units or Single Family Residences in the Affordable Housing Project;
  - 3) the number of units or Single Family Residences to be occupied by Low-Income and Very Low-Income Households;
  - 4) the type of Households to be served (such as elderly or special needs); and
  - 5) for Multifamily Housing Projects, the number of bedrooms in each unit;
- d) For each Affordable Housing Project, the amount of Affordable Housing Tax Credits reserved or allocated for General Operating Support and Technical Assistance, and the Sponsor's use of that General Operating Support and Technical Assistance; and
- e) In connection with Technical Assistance for home ownership counseling services, the number of Low-Income Households receiving counseling.



SECRETARY OF STATE  
NOTICE OF EMERGENCY REPEALER

Robert W. Mueller  
Assistant General Counsel  
Office of the Secretary of State  
Howlett Building, Rm. 298  
Springfield IL 62756  
217/785-3094

This emergency rulemaking repeals emergency amendments that became effective 11/7/01 and were published in the 11/26/01 issue of the Illinois Register. See the new emergency rulemaking in this issue for replacement text.

SECRETARY OF STATE  
NOTICE OF EMERGENCY REPEALER

1) Heading of the Part: Public Use of the Capitol Complex Facilities

2) Code Citation: 71 Ill. Adm. Code 2005

3) <u>Section Numbers:</u>	<u>Emergency Action:</u>
2005.10	Repeal
2005.20	Repeal
2005.30	Repeal
2005.40	Repeal
2005.50	Repeal
2005.60	Repeal
2005.70	Repeal
2005.80	Repeal
2005.90	Repeal

4) Statutory Authority: Implementing and authorized by Section 5 of the Secretary of State Act [15 ILCS 305/5]

5) Effective Date of Repealer: November 27, 2001

6) If this emergency repealer is to expire before the end of the 150-day period, please specify the date on which it is to expire: not applicable

7) Date Filed with the Index Department: November 27, 2001

8) A copy of the emergency repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: The emergency amendments published in the 11/26/01 issue of the Illinois Register contained language that was not in final form. Additional changes are necessary to clarify the rulemaking.

10) A Complete Description of the Subjects and Issues Involved: The emergency amendment being repealed (effective 11/7/01 and published in the 11/26/01 Illinois Register) revised procedures for security at the Capitol Complex, including rules for identification of employees, vendors, and visitors and rules for public demonstrations. A replacement emergency rulemaking was adopted effective 11/27/01 and also appears in this issue of the Illinois Register.

11) Are there any proposed amendments to this Part pending? No

12) Statement of Statewide Policy Objectives: This rulemaking will not require any new expenditures by units of local government.

13) Information and questions regarding this repealer shall be directed to:

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Public Use of the Capitol Complex Facilities

2) Code Citation: 71 Ill. Adm. Code 2005

3) Section Numbers:

2005.10	<u>Emergency Action:</u>
2005.20	Amendment
2005.30	Amendment
2005.40	Amendment
2005.50	Amendment
2005.60	Amendment
2005.70	Amendment
2005.80	Amendment
2005.90	Amendment

4) Statutory Authority: Implementing and authorized by Section 5 of the Secretary of State Act [15 ILCS 305/5]

5) Effective Date of Amendments: November 27, 2001

6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: not applicable

7) Date Filed with the Index Department: November 27, 2001

8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: The emergency amendments published in the 11/26/01 issue of the *Illinois Register* contained language that was not in final form. Additional changes are necessary to clarify the rulemaking. An emergency rulemaking repealing the 11/26/01 rulemaking is in this issue of the *Illinois Register*.

10) A Complete Description of the Subjects and Issues Involved: Revises the procedures for security at the Capitol Complex, including rules for identification of employees, vendors, and visitors and the rules for public demonstrations.

11) Are there any proposed amendments to this Part pending? No

12) Statement of Statewide Policy Objectives: These amendments will not require any new expenditures by units of local government.

13) Information and questions regarding these amendments shall be directed to:

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

Robert W. Mueller  
Assistant General Counsel  
Howlett Bldg., Rm. 298  
Springfield IL 62756  
217/785-3094

The full text of the emergency amendments begins on the next page:



SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY  
CHAPTER IV: SECRETARY OF STATE

PART 2005  
PUBLIC USE OF THE CAPITOL COMPLEX FACILITIES

Section  
2005.10 Applicability

EMERGENCY

2005.20 Definitions

EMERGENCY

2005.30 Business Hours and Public Access

EMERGENCY

2005.40 Prohibited Activities

EMERGENCY

2005.50 Demonstrations

EMERGENCY

2005.60 Use of Buildings for Non-Demonstration Activity or Fund Raising

EMERGENCY

2005.70 Distribution of Leaflets and Solicitations of Funds

EMERGENCY

2005.80 Secretary of State Police Department

EMERGENCY

2005.90 Severability

EMERGENCY

AUTHORITY: Implementing and authorized by Section 5 of the Secretary of State Act [15 ILCS 305/5].

SOURCE: Adopted at 14 Ill. Reg. 7282, effective May 1, 1990; emergency amendment at 21 Ill. Reg. 6927, effective May 21, 1997, for a maximum of 150 days; emergency expired October 17, 1997; amended at 21 Ill. Reg. 14563, effective October 23, 1997; emergency amendment at 25 Ill. Reg. 15259, effective November 7, 2001, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 25 Ill. Reg. 15658, effective November 27, 2001; emergency amendment at 25 Ill. Reg. 15658, effective November 27, 2001, for a maximum of 150 days.

Section 2005.10 Applicability

EMERGENCY

This Part is applicable to the use of the Stratton Building, the Visitors' Center, the Supreme Court Building, the Capitol Building, the Willard Ice Revenue Building, the Department of Driver Services Building, the Howlett ~~Centennial~~ Building, the State Library and their grounds, the Archives Building, Driver's License Facility Mechanical Services Building at 316 North Klein, Klein and Mason Warehouse, Power Plant at 315 North Klein, Court of Claims, Waterways Building/Appellate Court at 201 West Monroe, ~~Legislative Commission--at--388--West-Monroe~~ the warehouses ~~new-Warehouse~~ at 3701 and 3765

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

Winchester Road, the Index Division at 111 East Monroe, the Emergency Services at 110 East Adam, the Securities Department at 900 South Spring, ~~the-Inspector General/Internal-Affairs-at-835-South-Spring~~, the Secretary of State Police at 322 East Adams, Internal Audits at 324 West Monroe, the Herndon Building at 421 East Capitol, ~~the-Property-Control-Warehouse-Museum-Collection-Center-at-11th and-Ash-Street~~, and the Property Control/~~Plate-Room-Facility/Literacy Division~~ at 4th and Jackson, pursuant to Section 5 of the Secretary of State Act [15 ILCS 305/5] ~~Ill--Rev--Stat--1987--ch--1247--par--5(7)--(AN-Act-to-revise-the-law in-relation-to-the-Secretary-of-State).~~

(Source: Amended by emergency rulemaking at 25 Ill. Reg. effective November 27, 2001, for a maximum of 150 days) 15658,

Section 2005.20 Definitions

EMERGENCY

"Building" means the Stratton Office Building, Visitors' Center, the Capitol Building, the Howlett ~~Centennial~~ Building, and other buildings named in Section 2005.10 of this Part, in Springfield, Illinois.

"Capitol Complex" means all buildings, grounds, and parking lots herein identified with boundaries being Washington Street, Third Street, Cook Street, and Pasfield Street in the City of Springfield, based upon Section 3.08 of the Space Needs Act [25 ILCS 125/3.08] ~~Ill--Rev--Stat--1987--ch--637--par--223-88~~.

"Commercial Activity" means an activity whose primary purpose is to obtain a profit for the benefit of an individual, or business entity organized for profit and shall not include the solicitation of donations by anyone during a demonstration, or for charitable purposes, as defined by the Charitable Trusts Act [760 ILCS 55] ~~Ill--Rev--Stat--1987--ch--147--par--51--et--seq--~~ and Solicitation for Charity Act ~~An-Act-to-regulate-solicitations-and-collection-of-funds for-charitable-purposes~~ [225 ILCS 460] ~~Ill--Rev--Stat--1987--ch--237--par--5181-et--seq--~~.

"Demonstration" means demonstrating, picketing, marching, rallying, selling non-commercial printed matter or materials, moving in procession, holding of vigils, singing, chanting, or shouting in a loud voice of the type that could interfere with the business conducted in the building, and all other forms of public demonstrative activity that involve the communication or expression orally or by conduct, of views or grievances, engaged in by one or more persons, the conduct of which has the effect, intent, or propensity to draw a crowd or onlookers within 100 feet of the buildings named in Section 2005.10 of this Part or on the Capitol Complex grounds, or within the building or the Capitol. Demonstration shall also mean demonstrating, parading, picketing, speechmaking, holding of vigils, sit-ins, or

## SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENTS

other activities, conducted for the purpose of demonstrating approval or disapproval of governmental policies or practices (or the lack thereof), expressing a view on public issues, or bringing into public notice any issue or other matter. However, nothing herein shall be construed to govern lobbyists or lobbying as defined by the Lobbyist Registration Act [25 ILCS 170], ~~(((11-Rev--Stat--1987--ch--637--par--171-et-seq--))~~ nor shall a demonstration mean the peaceful contact or discussion by one or more persons with elected representatives during a legislative session, or with executive branch officials, concerning their view on public or personal issue.

"Director" means the Director or Acting Director of the Department of Physical Services of the Office of the Secretary of State of Illinois.

"Government Photo Identification Card" shall mean an employee identification card issued by any State, local or federal government or agency, or one issued by the Secretary of State to lobbyists, vendors and their employees and employees of State agencies that do not issue photo identification cards.

"Grounds" shall mean the grass areas, garden areas, and ~~shall--exclude~~ all parking areas in the Capitol Complex.

"Interfere" or "interference" shall mean the type of conduct which by its nature tends to hinder, disrupt, or obstruct the orderly function of the official enterprises being carried on in the building or on the land of the building or Capitol Complex.

"Structure" shall mean anything, built by any person or persons, of any material or substantive, for purposes of display, residence, or as part of a demonstration. This term shall not refer to anything built pursuant to a State state contract for construction, remodeling, or repair of any State state property within the Capitol Complex or the buildings building defined in Section 2005.10 of this Part.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. ~~15658~~, effective November 27, 2001, for a maximum of 150 days)

## Section 2005.30 Business Hours and Public Access

**EMERGENCY**

- a) The public business hours of the Capitol Complex Buildings are 7 a.m. to 6 p.m., Monday through Friday, except holidays declared by the Governor pursuant to Section 5-635 of the Civil Administrative Code of Illinois [20 ILCS 5/5-635], ~~(((11-Rev--Stat--1987--ch--1277--par--187--and on weekends and holidays between 9 a.m. and 4 p.m. for purposes of public tours only. When the General Assembly is in session, and the start of a committee meeting or session is sooner or~~

## SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENTS

later than the limits listed in this subsection, the public hours shall be one hour before the earliest committee meeting or session of either house for the opening time, and one hour after the adjournment of the last committee meeting or session of either house for the closing time in the Capitol Building or in whatever building the legislative function is held.

- b) Entrance to any building during other than the times stated in subsection (a) of this Section is prohibited, except for the following persons who shall be admitted to office areas assigned to them for their use in carrying out their official duties:

- 1) members of the General Assembly;
- 2) employees of the General Assembly;
- 3) employees of the executive departments whose offices are in the building;
- 4) representatives of news media who have offices in the Capitol Building;
- 5) any authorized maintenance, repairer, contractor or other service employee, while performing duties which have been arranged for by the Department of Physical Services; and
- 6) any person who is specifically ~~specifically~~ requested to enter into any building or office by an authorized individual listed in subsections (b)(1) to (4) of this Section.

- c) Proper identification of all persons, such as a press pass, government photo identification identity card, a driver's license or other document which shows the identity of the person, may be demanded by security personnel, and all persons will be required to sign in and out of a building after 5 p.m. and before 7 a.m. Only one entrance shall be open after the public business hours. Factors to be considered in which identification may be requested include, but are not limited to: the security guard or investigator does not recognize the individual; the behavior of the individual; and accessibility to office areas, work areas and restricted access areas. All persons entering into the buildings of the Capitol Complex may be required to wear their government photo identification card outside their clothing at all times when it has been determined by the Director of the Department of Police that security concerns warrant such display. All visitors to the Capitol Complex who do not possess a government photo identification card will be required to sign a logbook as they enter the buildings. Visitors will be issued a visitor badge. Lobbyists, vendors and their employees and employees of State agencies that do not issue photo identification cards shall be issued photo identification cards by the Secretary of State Department of Physical Services.

- d) All persons and vehicles entering into the Capitol Complex and its buildings may be subject to search, including, but not limited to, inspection of vehicles, trunks, parcels and packages, metal detector screening, X-Ray scans and inspection of bulky personal items brought into the Capitol Complex.



## SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENTS

e) Firearms, fixed blade knives and knives with a blade exceeding 4 inches in length are prohibited in the Capitol Complex, except those possessed by law enforcement personnel in the performance of their official duties, or unless previously authorized by the Director of the Department of Police.

f) Public access to any building or area of the grounds may be restricted, if it is determined by the Director of the Department of Police that a situation has arisen that threatens the security of persons and buildings within the Capitol Complex.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. effective November 27, 2001, for a maximum of 150 days)

## Section 2005.40 Prohibited Activities

EMERGENCY

a) No animals, except guide dogs to assist handicapped persons, or dogs utilized by police officers in the performance of their official duties, shall be permitted in the buildings in the Capitol Complex.

b) No person or organization shall camp, erect a tent, monument (except as authorized by the Secretary of State to commemorate a deceased public official or a historical event), structure, portable toilet, platform, sign, or similar device on the grounds of or within the State Capitol, Visitors' Center, the State Library, the Howlett Building, or the Stratton Building, except as provided in subsection (i) of this Section.

c) No person or organization shall block, obstruct, or impede any doorway, stairway, corridor, or elevator in the Capitol Complex.

d) No demonstrations are allowed above the first floor of the Capitol Building; this includes singing, chanting or shouting in a loud voice of the type that could interfere with the business conducted in the building.

ed) No banners, posters, placards, signs or symbols may be carried above the first floor of the Capitol Building. No sticks, poles, or laths may be used to carry any sign or placard into the buildings. No chains or ropes may be carried into the buildings, except by authorized workers and State employees, with the permission of the Director.

fe) No person or group of persons shall use any electronic loudspeaker, bullhorn, or other amplifying device within the Capitol Complex buildings or grounds, unless prior permission of the Director is obtained pursuant to Section 2005.50(d) of this Part. Permission will be granted for demonstration only.

gf) No banners, posters, placards, signs, or symbols may be affixed in any way by any person to the railing of the second, third or fourth floor of the State Capitol Building. No banners, posters, placards, signs or symbols for demonstration purposes may be affixed in any way to the walls, railings, floors, or ceilings of any of the buildings in the

## SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENTS

## Capitol Complex.

hg) No banners, posters, placards, signs or symbols may be displayed for more than two weeks within a six month period.

ih) No displays or structures (including tents) in the buildings or on the grounds may be erected without the permission of the Director pursuant to Section 2005.50(d) of this Part. Permission shall be granted only if the display structure is part of symbolic expression in the exercise of free speech guaranteed by the First Amendment to the United States Constitution and Article I, Sections 4 and 5 of the 1970 Illinois Constitution. No more than 2 tents or small structures may be erected at the location designated by the Director, which location will not impede pedestrian or vehicular traffic or substantially damage the Capitol grounds i.e., damage to grass or grounds which would require replacement. The only locations which are authorized for structures and displays shall be the paved areas between the Howlett Building and the Capitol Building, in the north front of the Howlett Building and between the Stratton Building and the Archives Building. No structures or displays will be placed on grass areas which have an underground watering system on them.

ji) The display of commercial signs, placards, or other forms of advertisement, or the sale, display, or vending of commercial products or articles in the buildings or on the grounds is prohibited, except pursuant to contract with the State Government.

kj) The noise level from demonstrators, picketers, and protesters of any group or groups, or as individuals within the Capitol Building rotunda shall not exceed a decibel level of 75dB(A) 85dB(A). If the noise level from these persons exceeds this limit, the Director shall direct all persons to decrease the noise or to reduce the numbers of people within the Capitol Building to lower the noise level to the specified level, which shall not exceed 75dB(A).

lk) No person or organization shall damage, destroy, remove, deface, defile, tarnish, or injure in any way State property within the buildings or on the grounds thereof. All persons and organizations engaging in this type of prohibited activity will be responsible for all costs, expenses, damages, and liability resulting from their own actions or the actions of persons or organizations controlled or directed by them at the time of the damage to state property.

ml) No smoking in the public areas of all buildings, unless in a designated smoking area.

nl) No skateboard riding, rollerblading, or skating is allowed in the Capitol Complex.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. effective November 27, 2001, for a maximum of 150 days)

## Section 2005.50 Demonstrations

EMERGENCY

## SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENTS

- a) The holding or conducting of any demonstration, public meeting, gathering, or parade on or in the buildings or their grounds is prohibited unless a permit for such activity is issued by the Director. A Special Events form ~~written-request~~ addressed to the Department of Physical Services, Special Events Division ~~Director~~ must be submitted at least 48 hours in advance of the event to be scheduled, unless the requestor can show by the preponderance of the evidence, that the cause or reason for the requested demonstration, meeting, gathering or parade was not known, contemplated, reasonably foreseeable, resulted from changed circumstances, or in existence within those 48 hours, except that no such request shall take precedence over an activity which was previously scheduled by the Director.
- b) The Special Events form written-request shall state the name of the individual, organization, corporation, association, society, fraternity, sorority, club, or group of whatever kind or nature seeking to use the building or the grounds. The request shall also list the names and addresses of all officers or leaders, the particular facility desired to be used, the dates and times sought, equipment to be used, or supplied, and the estimated number of the participants.
- c) Any group seeking a permit under this Section ~~hereunder-that-will-have 100--or--more-participants-at-any-demonstration~~ shall have one marshal per 25 participants. Marshals will be identified by insignia and their identities disclosed to security and/or police officials prior to the demonstration ~~supplied-by-the-Director~~. The marshals' duties shall include making certain, to the best of his/her ability under the circumstances, that the conditions of the permit are met, that compliance with the rules occurs, that the demonstration remains peaceful and orderly and the participants remain within the physical boundaries of the permit.
- d) The Director will issue a permit to an applicant unless he finds that the intended activity will:
- 1) Unreasonably interfere with the movement of vehicular traffic in the parking lots of the Capital Complex, or persons within the buildings or on the grounds;
  - 2) Not occur in the area designated and will create or cause a health and/or safety hazard and will impede substantially the performance of public business to be conducted in the area;
  - 3) Endanger the health and safety of the permit applicants or other persons;
  - 4) Be a commercial activity; or
  - 5) ~~Conflict~~ ~~Conflicts~~ in date, time, and place with a previously scheduled activity of another applicant or a government agency.
- All Special Events forms are date and time stamped upon receipt and permits are issued on a first-come, first-served basis.
- e) ~~Applicants~~ may also be denied a permit if past demonstrations involving their particular organization/individuals have resulted in

## SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENTS

- ~~removal, arrest, or other violation of this Part.~~
- ~~fe)~~ Applicants denied a permit may modify their request to meet the objection and concerns of the Director and may resubmit their application for consideration.
- ~~gf)~~ A Special Events form addressed ~~written-request--in--letter-form~~ addressed to the Department of Physical Services, Special Events Division ~~Director~~ shall be considered an application. A written response from the Director approving part or all of the application shall be considered the permit. The written response shall state the reasons for denying in whole or in part the request. The Director is required to show by the preponderance of the evidence that an unreasonable interference will occur or is occurring when he denies the request in whole or in part.
- ~~hg)~~ A person or organization denied a permit in whole or in part, may appeal the denial to the Secretary of State. The appeal shall be in writing, stating the specific reasons why the Director's decision was incorrect and what relief is sought. The appeal must be submitted at least 24 hours prior to the time of the requested demonstration, to allow the Secretary time within which to consider and decide the appeal. The Secretary's decision shall be in writing, and shall be made at least 2 hours prior to the requested demonstration's time of starting. The Secretary's decision shall be final for the purposes of the Administrative Review Act [735 ILCS 5/Art. III] ~~(1107-Rev--Stat--1987-eh--1107-par--3-101-et-seq--7)~~.
- i) Permitted demonstrations may be canceled without prior notice by the Director of the Department of Police, if security concerns warrant such an action.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 15666, effective November 27, 2001, for a maximum of 150 days)

Section 2005.60 Use of Building for Non-Demonstration Activity or Fund Raising Events  
**EMERGENCY**

- a) Organizations that apply to sell baked goods, cards, or other items with a price not to exceed \$50.00 in the buildings specified in Section 2005.10 of this Part shall submit a Special Events form to the Department of Physical Services, Special Events Division ~~an application-by-letter-to-the-Director~~ at least 48 hours in advance of the desired start of their sale. The application shall state the name of the organization, the date requested for the sale or activity, the location requested, and any alternative dates and locations.
- 1) Only one activity at a time will be approved by the Director for each location.
  - 2) The only locations allowed for such sales are the northwest lobby of the Howlett ~~Centennial~~ Building, the area on the west side of the Stratton Building Cafeteria, and the designated first floor



SECRETARY OF STATE  
NOTICE OF EMERGENCY AMENDMENTS

hallway area in--front--of--the--cafeteria at the Department of Driver Services Building at 2701 South Dirksen Parkway.

3) Sales may occur during the public business hours.

4) The Director will only approve applications to sell submitted by not-for-profit organizations, who must submit a copy of the organization's tax exempt number form, received from the United States Internal Revenue Service pursuant to 26-6PR-1-58(a)(2) as in effect on July 17, 1999 (no subsequent amendments or additions). No organization without a tax exempt number will be allowed to sell in the areas designated.

b) No commercial activity, such as selling real estate, automobiles, or insurance, is allowed in the buildings specified in Section 2005.10 of this Part.

c) No alcohol or alcoholic beverages are allowed to be sold, consumed, delivered, or used in the buildings specified in Section 2005.10 of this Part, except as permitted by Section 6-15 of the Liquor Control Act of 1934 [235 ILCS 5/6-15] (111 Rev. Stat. 1987, ch. 437, par. 1387).

d) All organizations that are permitted to use the Capitol Complex buildings or the buildings specified in Section 2005.10 of this Part shall indemnify the State and the Secretary of State from any injury or damage caused by their members' or participants' negligence or willful misconduct. The members who cause the damage or injury are primarily responsible. Such organization shall also restore the used areas to their pre-use appearance and condition, less reasonable wear and tear, and the Director shall be the final decision-maker on the clean-up of the used area. This subsection applies to those organizations listed in subsection (a) of this Section and any other organizations receiving permission from the Director to use the specified buildings for meetings or parties.

e) All Special Events forms requesting requests to use of the buildings specified in Section 2005.10 of this Part or the Capitol Complex will be submitted to the Department of Physical Services, Special Events Division in writing to the Director at least 48 hours in advance of the proposed starting time of the activity.

f) Nothing in this Section shall give the Director authority over the use of the Chambers, meeting rooms, or committee rooms of the General Assembly. The use of each room shall be decided according to legislative rules.

g) Decorations cannot be applied by tape, glue or any type of adhesive material to any part of the building, unless special arrangements have been made and approved by the Special Events Coordinator. No candles, confetti, balloons, lapel stickers or any stickers with adhesive are allowed. No smoke/fog machines are permitted. Any other special effects equipment must have prior approval of the Special Events Division.

h) Permitted uses of the Capitol Complex may be canceled without prior notice by the Director of the Department of Police, if security

SECRETARY OF STATE  
NOTICE OF EMERGENCY AMENDMENTS

concerns warrant such an action.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. effective November 27, 2001, for a maximum of 150 days)

Section 2005.70 Distribution of Leaflets and Solicitation of Funds  
EMERGENCY

a) No organization, including charitable organizations and political parties or candidates, shall distribute leaflets to, or solicit and collect funds from, persons entering or in the buildings specified in Section 2005.10 of this Part, except from public sidewalks, walkways within the Capitol Complex, or on the north plaza of the Howlett Centennial Building.

b) No such distribution or solicitation shall be allowed in any automobile parking area under the control of the Director in Springfield or within business areas in the buildings specified in Section 2005.10 of this Part.

c) Activities included in subsection (a) of this Section shall not be allowed without the written permission of the Director, which shall not be withheld if the request pertains to political activity or charitable solicitation.

d) All requests to engage in such activity must be submitted in writing at least 48 hours in advance of the activity, unless the criteria for requests within less than 48 hours set forth in Section 2005.50(a) of this Part are met.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. effective November 27, 2001, for a maximum of 150 days)

Section 2005.80 Secretary of State Police Department  
EMERGENCY

a) The Secretary of State's Police Department shall enforce all laws within the Capitol Complex and the buildings specified within Section 2005.10 of this Part.

b) The Illinois statutes applicable to the presentation of order and peace within the specified buildings include, but are not limited to:

- 1) disorderly conduct in the General Assembly (Section 12-0 of 1961 Rev. Stat. 1987, ch. 38, par. 21-4);
- 2) criminal damage to State supported property (see 720 ILCS 5/21-4) (Section 21-4 of the Criminal Code of 1961 (the Code) (111 Rev. Stat. 1987, ch. 38, par. 21-4));
- 3) the unauthorized possession of firearms on state property (Section 21-5 of the Code);
- 4) trespass to State lands (see 720 ILCS 5/21-5) (Section 21-5 of the Code);

## SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENTS

- 35) the unauthorized possession of explosives (see 720 ILCS 5/26) ~~{Section-20-2-of-the-Code};~~
- 46) mob action (see 720 ILCS 5/25-1) ~~{Section-25-of-the-Code};~~
- 57) disorderly conduct (see 720 ILCS 5/26) ~~{Section-26-of-the-Code};~~
- 8) ~~interference-with-public-officials-{Section-31-of-the-Code};~~
- 69) interference with judicial procedure (see 720 ILCS 5/12-9) ~~{Section-32-of-the-Code};~~ and
- 71) threatening a public official (see 720 ILCS 5/12-9) ~~{Section-32-9-of-the-Code};~~

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 15658, effective November 27, 2001, for a maximum of 150 days)

**Section 2005.90 Severability**  
**EMERGENCY**

If a court of competent jurisdiction shall hold any provision of this Part to be invalid, that holding shall not affect the remaining portions of this Part. ~~If--any--part-of-these-rules-shall-be-held-by-a-court-of-competent-jurisdiction to-be-invalid,-such-holding-shall-not-affect-the--remaining--portions--of--this Part:~~

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 15658, effective November 27, 2001, for a maximum of 150 days)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: Peremptory Action:  
APPENDIX A, TABLE L Amend
- 4) Reference to the specific State or Federal Court Order, Federal Rule or Statute which requires this Peremptory Rulemaking: Section 1-5(d) of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)]
- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a]
- 6) Effective Date: November 15, 2001

7) A Complete Description of the Subjects and Issues Involved: In Section 310-Appendix A Table L RC-008 (Boilermakers), the monthly salary range for the Boiler Safety Specialist is being increased from \$4,176.00 - \$5,555.82 to \$4,350.00 - \$5,775.06, effective September 1, 2001.

8) Does this rulemaking contain an automatic repeal date? No

9) Date Filed in Agency's Principal Office: November 15, 2001

10) Is this Rule in compliance with Section 5-50 of the Illinois Administrative Procedure Act? Yes

11) Are there any proposed amendments pending to this part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
310.280	Amend	25 Ill. Reg. 9759, 08/03/01
310.230	Amend	25 Ill. Reg. 11958, 09/21/01
310.270	Amend	25 Ill. Reg. 11958, 09/21/01
310.280	Amend	25 Ill. Reg. 11958, 09/21/01
310.280	Amend	25 Ill. Reg. 12463, 10/05/01
310.TABLE H	Amend	25 Ill. Reg. 12950, 10/19/01
310.TABLE I	Amend	25 Ill. Reg. 12950, 10/19/01
310.TABLE J	Amend	25 Ill. Reg. 12950, 10/19/01
310.TABLE N	Amend	25 Ill. Reg. 12950, 10/19/01
310.TABLE O	Amend	25 Ill. Reg. 12950, 10/19/01
310.TABLE R	Amend	25 Ill. Reg. 12950, 10/19/01
310.TABLE W	Amend	25 Ill. Reg. 12950, 10/19/01
310.TABLE X	Amend	25 Ill. Reg. 12950, 10/19/01
310.TABLE Z	Amend	25 Ill. Reg. 12950, 10/19/01
310.50	Amend	25 Ill. Reg. 14534, 11/16/01
310.80	Amend	25 Ill. Reg. 14534, 11/16/01
310.90	Amend	25 Ill. Reg. 14534, 11/16/01



DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

- 310.100 Amend 25 Ill. Reg. 14534, 11/16/01
- 310.TABLE K Amend 25 Ill. Reg. 14534, 11/16/01
- 310.TABLE P Amend 25 Ill. Reg. 14534, 11/16/01

12) Statement of Statewide Objectives: This amendment to the Pay Plan pertains only to State employees subject to the Personnel Code and does not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

13) The name, address and telephone number of the person to whom information and questions concerning this peremptory rule shall be directed to:

Mr. Michael Murphy  
Department of Central Management Services  
Division of Technical Services  
504 William G. Stratton Building  
Springfield, Illinois 62706  
(217) 782-5601

The full text of the Peremptory Amendment begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

- TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
- SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND POSITION CLASSIFICATIONS
- CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2001
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Section	Jurisdiction
310.410	Objectives
310.420	Responsibilities
310.430	Merit Compensation Salary Schedule
310.440	Procedures for Determining Annual Merit Increases
310.450	Intermittent Merit Increase
310.455	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 2001
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A Negotiated Rates of Pay

TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU) (Repealed)
TABLE C	RC-069 (Firefighters, AFSCME) (Repealed)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, IFPE)
TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	RC-008 (Boilermakers)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
TABLE Q	RC-033 (Meat Inspectors, IFPE)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T	HR-010 (Teachers of Deaf, IFT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections, Meet and Confer Employees)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

TABLE W	RC-062 (Technical Employees, AFSCME)
TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 2001
APPENDIX C	Medical Administrator Rates for Fiscal Year 2001
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2001
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2001

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 13 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective March 12, 1990; Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854,

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; peremptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; peremptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; peremptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15671, effective November 20, 2001; peremptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001.



DEPARTMENT OF REVENUE  
NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Numbers: 130.330
- 4) Date Proposal published in Illinois Register: May 26, 2000, 24 Ill. Reg. 7617
- 5) Date Adoption published in Illinois Register: May 18, 2001, 25 Ill. Reg. 6515
- 6) Date Request for Expedited Correction published in Illinois Register: October 12, 2001, 25 Ill. Reg. 12896
- 7) Adoption Effective Date: May 3, 2001
- 8) Correction Effective Date: May 3, 2001

9) Reason for Approval of Expedited Correction: The Agency requested an expedited correction to restore the omitted text outlined below. A rulemaking effective October 2, 2000 (proposed at 24 Ill. Reg. 3128 and adopted at 24 Ill. Reg. 15104) adopted this text, but overlapping rulemakings resulted in the background text of the later adoption (25 Ill. Reg. 6515) not including that adopted text.

The following is restored to Section 130.330(d)(3), which lists exempt uses:

- F) The production or processing of food, including the use of baking equipment such as ovens to bake bread or other bakery items, whether that baking is performed by a central bakery or a retail grocery store.

The following is restored to Section 130.330(d)(4), which lists non-exempt uses:

- J) The use of machinery or equipment used in the last step of the retail sale. Examples are paint mixing equipment used by a hardware store, embroidery or monogramming machines used by tee-shirt retailers and a sewing machine used to hem garments sold by a clothing store.

The following is restored to Section 130.330(g):

- 4) In the case of a vendor who makes sales of qualifying machinery or equipment to a contractor who will incorporate it into real estate so that he, the contractor, would be the taxable user (see Sections 130.1940 and 130.2075 of this Part), the purchasing contractor should

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES  
NOTICE OF PEREMPTORY AMENDMENT

Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE L RC-008 (Boilermakers)

Effective: September 1, 2001 2000

	Minimum Salary	Maximum Salary
Boiler Safety Specialist	4,350.00 4,176.00	5,775.06 5,555.02

(Source: Peremptory amendment at 25 Ill. Reg. 12891, effective November 15, 2001)

DEPARTMENT OF REVENUE

NOTICE OF EXPEDITED CORRECTION

provide the vendor with a certification that the machinery or equipment will be transferred to a manufacturer as manufacturing machinery or equipment in the performance of a construction contract for the manufacturer. The purchasing contractor should include the manufacturer's name and registration number on the certification when claiming the exemption.

Punctuation is also adjusted to accommodate the addition of these subsections.

The full text of the Corrected Rule begins on the following page:

DEPARTMENT OF REVENUE

NOTICE OF EXPEDITED CORRECTION

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUE

PART 130  
RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section  
130.101  
130.105  
130.110  
130.111  
130.115  
130.120

Character and Rate of Tax  
Responsibility of Trustees, Receivers, Executors or Administrators  
Occasional Sales  
Sale of Used Motor Vehicles by Leasing or Rental Business  
Habitual Sales  
Nontaxable Transactions

SUBPART B: SALE AT RETAIL

Section  
130.201  
130.205  
130.210  
130.215  
  
130.220  
130.225

The Test of a Sale at Retail  
Sales for Transfer Incident to Service  
Sales of Tangible Personal Property to Purchasers for Resale  
Further Illustrations of Sales for Use or Consumption Versus Sales for Resale  
Sales to Lessors of Tangible Personal Property  
Drop Shipments

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section  
130.305  
130.310  
130.315  
130.320  
130.321  
130.325  
130.330  
130.331  
130.332  
130.335  
130.340  
130.345  
130.350  
  
130.351

Farm Machinery and Equipment  
Food, Drugs, Medicines and Medical Appliances  
Fuel Sold for Use in Vessels on Rivers Bordering Illinois  
Gasohol  
Fuel Used by Air Common Carriers in International Flights  
Graphic Arts Machinery and Equipment Exemption  
Manufacturing Machinery and Equipment  
Manufacturer's Purchase Credit  
Automatic Vending Machines that Dispense Hot Food or Beverages  
Pollution Control Facilities  
Rolling Stock  
Oil Field Exploration, Drilling and Production Equipment  
Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment  
Aggregate Manufacturing

SUBPART D: GROSS RECEIPTS



DEPARTMENT OF REVENUE

NOTICE OF EXPEDITED CORRECTION

Section  
130.401 Meaning of Gross Receipts  
130.405 How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser  
130.410 Cost of Doing Business Not Deductible  
130.415 Transportation and Delivery Charges  
130.420 Finance or Interest Charges--Penalties--Discounts  
130.425 Traded-In Property  
130.430 Deposit or Prepayment on Purchase Price  
130.435 State and Local Taxes Other Than Retailers' Occupation Tax  
130.440 Penalties  
130.445 Federal Taxes  
130.450 Installation, Alteration and Special Service Charges  
130.455 Motor Vehicle Leasing and Trade-In Allowances

SUBPART E: RETURNS

Section  
130.501 Monthly Tax Returns--When Due--Contents  
130.502 Quarterly Tax Returns  
130.505 Returns and How to Prepare  
130.510 Annual Tax Returns  
130.515 First Return  
130.520 Final Returns When Business is Discontinued  
130.525 Who May Sign Returns  
130.530 Returns Covering More Than One Location Under Same Registration--Separate Returns for Separately Registered Locations  
130.535 Payment of the Tax, Including Quarterly Monthly Payments in Certain Instances  
130.540 Returns on a Transaction by Transaction Basis  
130.545 Registrants Must File a Return for Every Return Period  
130.550 Filing of Returns for Retailers by Suppliers Under Certain Circumstances  
130.551 Prepayment of Retailers' Occupation Tax on Motor Fuel  
130.555 Vending Machine Information Returns  
130.560 Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section  
130.601 Preliminary Comments  
130.605 Sales of Property Originating in Illinois  
130.610 Sales of Property Originating in Other States

SUBPART G: CERTIFICATE OF REGISTRATION

Section  
130.701 General Information on Obtaining a Certificate of Registration

DEPARTMENT OF REVENUE

NOTICE OF EXPEDITED CORRECTION

130.705 Procedure in Disputed Cases Involving Financial Responsibility Requirements  
130.710 Procedure When Security Must be Forfeited  
130.715 Sub-Certificates of Registration  
130.720 Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances  
130.725 Display  
130.730 Replacement of Certificate  
130.735 Certificate Not Transferable  
130.740 Certificate Required For Mobile Vending Units  
130.745 Revocation of Certificate

SUBPART H: BOOKS AND RECORDS

Section  
130.801 General Requirements  
130.805 What Records Constitute Minimum Requirement  
130.810 Records Required to Support Deductions  
130.815 Preservation and Retention of Records  
130.820 Preservation of Books During Pendency of Assessment Proceedings  
130.825 Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

SUBPART I: PENALTIES AND INTEREST

Section  
130.901 Civil Penalties  
130.905 Interest  
130.910 Criminal Penalties

SUBPART J: BINDING OPINIONS

Section  
130.1001 When Opinions from the Department are Binding

SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section  
130.1101 Definition of Federal Area  
130.1105 When Deliveries on Federal Areas Are Taxable  
130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section  
130.1201 General Information  
130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

## DEPARTMENT OF REVENUE

## NOTICE OF EXPEDITED CORRECTION

## SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section  
130.1301 When Lessee of Premises Must File Return for Leased Department  
130.1305 When Lessor of Premises Should File Return for Business Operated on Leased Premises  
130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

## SUBPART N: SALES FOR RESALE

Section  
130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale  
130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale  
130.1410 Requirements for Certificates of Resale (Repealed)  
130.1415 Resale Number--When Required and How Obtained  
130.1420 Blanket Certificate of Resale (Repealed)

## SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section  
130.1501 Claims for Credit--Limitations--Procedure  
130.1505 Disposition of Credit Memoranda by Holders Thereof  
130.1510 Refunds  
130.1515 Interest

## SUBPART P: PROCEDURE TO BE FOLLOWED UPON SELLING OUT OR DISCONTINUING BUSINESS

Section  
130.1601 When Returns are Required After a Business is Discontinued  
130.1605 When Returns Are Not Required After Discontinuation of a Business  
130.1610 Cross Reference to Bulk Sales Regulation

## SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section  
130.1701 Bulk Sales: Notices of Sales of Business Assets

## SUBPART R: POWER OF ATTORNEY

Section  
130.1801 When Powers of Attorney May be Given  
130.1805 Filing of Power of Attorney With Department  
130.1810 Filing of Papers by Agent Under Power of Attorney

## SUBPART S: SPECIFIC APPLICATIONS

## DEPARTMENT OF REVENUE

## NOTICE OF EXPEDITED CORRECTION

Section  
130.1901 Addition Agents to Plating Baths  
130.1905 Agricultural Producers  
130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles  
130.1915 Auctioneers and Agents  
130.1920 Barbers and Beauty Shop Operators  
130.1925 Blacksmiths  
130.1930 Chiroprodists, Osteopaths and Chiropractors  
130.1935 Computer Software  
130.1940 Construction Contractors and Real Estate Developers  
130.1945 Co-operative Associations  
130.1950 Dentists  
130.1951 Enterprise Zones  
130.1952 Sales of Building Materials to a High Impact Business  
130.1955 Farm Chemicals  
130.1960 Finance Companies and Other Lending Agencies -- Installment Contracts -- Bad Debts  
130.1965 Florists and Nurserymen  
130.1970 Hatcheries  
130.1971 Sellers of Pets and the Like  
130.1975 Operators of Games of Chance and Their Suppliers  
130.1980 Optometrists and Opticians  
130.1985 Pawnbrokers  
130.1990 Peddlers, Hawkers and Itinerant Vendors  
130.1995 Personalizing Tangible Personal Property  
130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers  
130.2004 Sales to Nonprofit Arts or Cultural Organizations  
130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons  
130.2006 Sales by Teacher-Sponsored Student Organizations  
130.2007 Exemption Identification Numbers  
130.2008 Sales by Nonprofit Service Enterprises  
130.2009 Personal Property Purchased Through Certain Fundraising Events for the Benefit of Certain Schools  
130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to Others  
130.2011 Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals  
130.2012 Sales to Persons Who Lease Tangible Personal Property to Governmental Bodies  
130.2015 Persons Who Repair or Otherwise Service Tangible Personal Property  
130.2020 Physicians and Surgeons  
130.2025 Picture-Framers  
130.2030 Public Amusement Places  
130.2035 Registered Pharmacists and Druggists  
130.2040 Retailers of Clothing



DEPARTMENT OF REVENUE

NOTICE OF EXPEDITED CORRECTION

- 130.2045 Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like
- 130.2050 Sales and Gifts By Employers to Employees
- 130.2055 Sales by Governmental Bodies
- 130.2060 Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
- 130.2065 Sales of Automobiles for Use In Demonstration (Repealed)
- 130.2070 Sales of Containers, Wrapping and Packing Materials and Related Products
- 130.2075 Sales To Construction Contractors, Real Estate Developers and Speculative Builders
- 130.2076 Sales to Purchasers Performing Contracts with Governmental Bodies
- 130.2080 Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
- 130.2085 Sales to or by Banks, Savings and Loan Associations and Credit Unions
- 130.2090 Sales to Railroad Companies
- 130.2095 Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
- 130.2100 Sellers of Feeds and Breeding Livestock
- 130.2105 Sellers of Newspapers, Magazines, Books, Sheet Music and Recordings, and Their Suppliers; Transfers of Data Downloaded Electronically
- 130.2110 Sellers of Seeds and Fertilizer
- 130.2115 Sellers of Machinery, Tools and Special Order Items
- 130.2120 Suppliers of Persons Engaged in Service Occupations and Professions
- 130.2125 Trading Stamps and Discount Coupons
- 130.2130 Undertakers and Funeral Directors
- 130.2135 Vending Machines
- 130.2140 Vendors of Curtains, Slip Covers, Floor Covering and Other Similar Items Made to Order
- 130.2145 Vendors of Meals
- 130.2150 Vendors of Memorial Stones and Monuments
- 130.2155 Vendors of Signs
- 130.2156 Vendors of Steam
- 130.2160 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
- 130.2165 Veterinarians
- 130.2170 Warehousemen

ILLUSTRATION A Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 39b3 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b3].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective

DEPARTMENT OF REVENUE

NOTICE OF EXPEDITED CORRECTION

October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000;

## DEPARTMENT OF REVENUE

## NOTICE OF EXPEDITED CORRECTION

amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4674, effective March 15, 2001; amended at 25 Ill. Reg. 4950, effective March 15, 2001; amended at 25 Ill. Reg. 5398, effective April 2, 2001; amended at 25 Ill. Reg. 6515, effective May 3, 2001; expedited correction at 25 Ill. Reg. 6713, effective May 3, 2001; amended at 25 Ill. Reg. 7264, effective May 25, 2001; amended at 25 Ill. Reg. 10917, effective August 13, 2001.

## SUBPART C: CERTAIN STATUTORY EXEMPTIONS

**Section 130.330 Manufacturing Machinery and Equipment**

- a) General. Notwithstanding the fact that the sales may be at retail, the Retailers' Occupation Tax does not apply to sales of machinery and equipment used primarily in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease. The exemption applies whether the sale or lease is made directly by the manufacturer or some other person. In certain cases purchases of machinery and equipment by a lessor will be exempt even though that lessor does not himself employ the machinery and equipment in an exempt manner.

## b) Manufacturing and Assembling.

- 1) This exemption exempts from tax only machinery and equipment used in manufacturing or assembling tangible personal property for sale or lease. Thus, the use of machinery and equipment in any industrial, commercial or business activity which may be distinguished from manufacturing or assembling will not be an exempt use and such machinery and equipment will be subject to tax.
- 2) The manufacturing process is the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by procedures commonly regarded as manufacturing, processing, fabricating or refining which changes some existing material or materials into a material with a different form, use or name. These changes must result from the process in question and be substantial and significant.
- 3) The process or activity must be commonly regarded as manufacturing. To be so regarded, it must be thought of as manufacturing by the general public. Generally, the scale, scope and character of a process or operation will be considered to determine if such process or operation is commonly regarded as manufacturing. Manufacturing includes such activities as processing, fabricating and refining.
- 4) Manufacturing does not include extractive industrial activities.

## DEPARTMENT OF REVENUE

## NOTICE OF EXPEDITED CORRECTION

Mining, logging, and drilling for oil, gas, and water neither produce articles of tangible personal property nor effect any significant or substantial change in the form, use or name of the materials or resources upon which they operate. The extractive process of quarrying does not constitute manufacturing. However, the activities subsequent to quarrying such as crushing, washing, sizing and blending will constitute manufacturing, and machinery and equipment used primarily therefor will qualify for the exemption, if the process results in the assembling of an article of tangible personal property with a different form, use or name than the material extracted.

- 5) The printing process is not commonly regarded as manufacturing and court decisions have found that printing is not manufacturing. Therefore, machinery and equipment used in any printing application will not qualify for exemption. This includes graphic arts, newspapers, books, etc. as well as other industrial or commercial applications. (However, see Section 130.325 for the Graphic Arts Machinery and Equipment Exemption.)
- 6) Agricultural, horticultural and related, similar or comparable activities, including commercial fishing, beekeeping, production of seedlings or seed corn, and the development of hybrid seeds, plants, or shoots, are not manufacturing or assembling and, accordingly, machinery and equipment used in such activities is subject to tax. (However, see Section 130.305 for the Farm Machinery and Equipment Exemption.)
- 7) The preparation of food and beverages by restaurants, food service establishments, and other retailers is not manufacturing.
- 8) Assembling means the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by the combination of existing materials in a manner commonly regarded as assembling which results in a material of a different form, use or name.
- 9) Effective September 1, 1988 manufacturing includes photoprocessing if the products of photoprocessing are sold. Machinery and equipment which would qualify for exemption includes, but are not limited to, developers, dryers, enlargers, mounting machines, roll film splicers, film developing image makers, disc film opening and spindling devices, film indexers, photographic paper exposure equipment, photographic paper developing machines, densitometers, print inspection devices, photo print/negative out assembly stations, film sleeve insertion machines, negative image producers, film coating equipment, photo transparency mounters, processor rack sanitizers, photo print embossers, photo print mounting presses, graphic slide generators, chemical mixing equipment and paper exposure positioning and holding devices, etc. Cameras and equipment used



## DEPARTMENT OF REVENUE

## NOTICE OF EXPEDITED CORRECTION

to take pictures or expose film are not eligible as the photoprocessing begins after the film is exposed. Retail/net price calculation equipment and chemical reclamation equipment are not considered to be manufacturing machinery and equipment.

## c) Machinery and Equipment

1) The law exempts only the purchase and use of "machinery" and "equipment" used in manufacturing or assembling. Accordingly, no other type or kind of tangible personal property will qualify for the exemption, even though it may be used primarily in the manufacturing or assembling of tangible personal property for sale or lease.

2) Machinery means major mechanical machines or major components of such machines contributing to a manufacturing or assembling process: *including, machinery and equipment used in the general maintenance or repair of such exempt machinery and equipment or for in-house manufacture of exempt machinery and equipment.*

3) *Equipment includes any independent device or tool separate from any machinery but essential to an integrated manufacturing or assembling process: including computers used primarily in operating exempt machinery and equipment in a computer-assisted design, computer-assisted manufacturing (CAD/CAM) system; or any subunit or assembly comprising a component of any machinery or auxiliary, adjunct, or attachment, parts of machinery, such as tools, dies, jigs, fixtures, patterns and molds, and any parts which require periodic replacement in the course of normal operation. The exemption does not include hand tools, supplies (such as rags, sweeping or cleaning compounds), coolants, lubricants, adhesives, or solvents, items of personal apparel (such as gloves, shoes, glasses, goggles, coveralls, aprons, masks, mask air filters, belts, harnesses, or holsters), coal, fuel oil, electricity, natural gas, artificial gas, steam, refrigerants or water. (Section 2-45 of the Act)*

4) The exemption includes the sale of materials to a purchaser who manufactures such materials into an exempted type of machinery or equipment or tools which such purchaser uses himself in the manufacturing of tangible personal property or leases to a manufacturer of tangible personal property. However, such purchaser must maintain adequate records clearly demonstrating the incorporation of such materials into exempt machinery and equipment.

5) Machinery and equipment does not include foundations for, or special purpose buildings to house or support, machinery and equipment.

6) The exemption includes chemicals acting as catalysts only if they effect a direct and immediate change upon a product being manufactured or assembled for sale or lease. The following examples are illustrative:

A) Example 1. A chemical acid is used to etch copper off the

## DEPARTMENT OF REVENUE

## NOTICE OF EXPEDITED CORRECTION

surface of a printed circuit board during the manufacturing process. The acid causes a direct and immediate change upon the product. The acid qualifies for the exemption.

B) Example 2. An aluminum oxide catalyst is used in a catalytic cracking process to refine heavy gas oil into gasoline. In this process, large molecules of gas oil or feed are broken up into smaller molecules. After the catalyst is injected into the feed and used in the cracking process, it is drawn off and reused in subsequent manufacturing processes. The catalyst qualifies for the exemption.

## d) Primary Use

1) The law requires that machinery and equipment be used primarily in manufacturing or assembling. Therefore, machinery which is used primarily in an exempt process and partially in a nonexempt manner would qualify for exemption. However, the purchaser must be able to establish through adequate records that the machinery or equipment is used over 50 percent in an exempt manner in order to claim the deduction.

2) The fact that particular machinery or equipment may be considered essential to the conduct of the business of manufacturing or assembling because its use is required by law or practical necessity does not, of itself, mean that machinery or equipment is used primarily in manufacturing or assembling.

3) By way of illustration and not limitation, the following activities will generally be considered to constitute an exempt use:

A) The use of machinery or equipment to effect a direct and immediate physical change upon the tangible personal property to be sold;

B) The use of machinery or equipment to guide or measure a direct and immediate physical change upon the tangible personal property to be sold, provided such function is an integral and essential part of tuning, verifying, or aligning the component parts of such property;

C) The use of machinery or equipment to inspect, test or measure the tangible personal property to be sold where such function is an integral part of the production flow;

D) The use of machinery and equipment to convey, handle, or transport the tangible personal property to be sold within production stations on the production line or directly between such production stations or buildings within the same plant;

E) The use of machinery or equipment to place the tangible personal property to be sold into the container, package, or wrapping in which such property is normally sold where such machinery or equipment is used as a part of an integrated manufacturing process;

F) The production or processing of food, including the use of

## DEPARTMENT OF REVENUE

## NOTICE OF EXPEDITED CORRECTION

baking equipment such as ovens to bake bread or other bakery items, whether that baking is performed by a central bakery or a retail grocery store.

- 4) By way of illustration and not limitation, the following activities will generally not be considered to be manufacturing:

- A) The use of machinery or equipment in the construction, reconstruction, alteration, remodeling, servicing, repairing, maintenance, or improvement of real estate;
- B) The use of machinery or equipment in research and development of new products or production techniques, machinery, or equipment;
- C) The use of machinery or equipment to store, convey, handle or transport materials or parts or sub-assemblies prior to their entrance into the production cycle;
- D) The use of machinery or equipment to store, convey, handle or transport finished articles of tangible personal property to be sold or leased after completion of the production cycle;

- E) The use of machinery or equipment to transport work in process, or semifinished goods, between plants;

- F) The use of machinery or equipment in managerial, sales, or other nonproduction, nonoperational activities including disposal of waste, scrap or residue, inventory control, production scheduling, work routing, purchasing, receiving, accounting, fiscal management, general communications, plant security, sales, marketing, product exhibition and promotion, or personnel recruitment, selection or training;
- G) The use of machinery or equipment to prevent or fight fires or to protect employees, such as protective equipment face masks, helmets, gloves, coveralls, and goggles or for safety, accident protection or first aid even though such machinery or equipment may be required by law;

- H) The use of machinery or equipment for general ventilation, heating, cooling, climate control or general illumination, not required by the manufacturing process;

- I) The use of machinery or equipment in the preparation of food and beverages by a retailer for retail sale, i.e., restaurants, vending machines, food service establishments, etc.;

- J) The use of machinery or equipment used in the last step of the retail sale. Examples are paint mixing equipment used by a hardware store, embroidery or monogramming machines used by tee-shirt retailers and a sewing machine used to hem garments sold by a clothing store.

- 5) An item of machinery or equipment which initially is used primarily in manufacturing or assembling and having been so used for less than one-half of the useful life is converted to

## DEPARTMENT OF REVENUE

## NOTICE OF EXPEDITED CORRECTION

primarily nonexempt uses will become subject to tax at the time of the conversion. Such tax will be collected on such portion of the price of the machinery or equipment as was excluded from tax at the time the sale or purchase was made.

e) Product Use

- 1) The statute requires that the product produced as a result of the manufacturing or assembling process be tangible personal property for sale or lease. Accordingly, a manufacturer or assembler who uses any significant portion of the output of his machinery or equipment, either for internal consumption or any other nonexempt use, or a lessor who leases otherwise exempt machinery and equipment to such a manufacturer or assembler, will not be eligible to claim the exemption on that machinery and equipment. No apportionment of production capacity between output for sale or lease and output for self-use will be permitted and no partial exemption for any item of machinery and equipment will be allowed.

- 2) The production of articles of tangible personal property for sale, a portion of which is diverted by the manufacturer thereof to use as sales samples or as the subjects of quality control testing which renders the articles unfit for sale, will nevertheless be deemed to be production for sale, provided such diversion represents only a small portion of the production of the articles of tangible personal property or of the sale of those articles.

- 3) Machinery and equipment used in the performance of a service, such as dry cleaning, is not used in the production of tangible personal property for sale and is thus taxable. However, a manufacturer or assembler who uses machinery and equipment to produce goods for sale or lease by himself or another, or to perform assembly or fabricating work for a customer who retains the manufacturer or assembler only for his services, will not be liable for tax on the machinery and equipment he uses as long as the goods produced either for himself or another are destined for sale or lease, rather than for use and consumption.

f) Sales to Lessors of Manufacturers

- 1) For this exemption to apply, the purchaser need not himself employ the exempt machinery or equipment in manufacturing. If the purchaser leases that machinery or equipment to a lessee-manufacturer who uses it in an exempt manner, the sale to the purchaser-lessee will be exempt from tax. A supplier may exclude such sales from his taxable gross receipts provided the purchaser-lessee provides to him a properly completed exemption certificate and the information contained herein would support an exemption if the sale were made directly to the lessee-manufacturer.

- 2) Should a purchaser-lessor subsequently lease the machinery or equipment to a lessee who does not use it in a manner that would



## OFFICE OF BANKS AND REAL ESTATE

## NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER  
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act"), 205 ILCS 635/4-5(g) (1999), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$500 dollars against Vintage Mortgage, Inc., License No. 5892, of Lombard, Illinois a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective November 12, 2001.

## DEPARTMENT OF REVENUE

## NOTICE OF EXPEDITED CORRECTION

qualify directly for the exemption, the purchaser-lessor will become liable for the tax from which he was previously exempted.

## g) Exemption Certificates

1) The user of such machinery or equipment and tools shall prepare a certificate of exemption for each transaction stating facts establishing the exemption for that transaction and submit the certificate to the retailer. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit. The Department shall prescribe the form of the certificate. If the user has an active registration or resale number, that number may be given in lieu of the prescribed certificate.

2) If a manufacturer or lessor purchases at retail from a vendor who is not registered to collect Illinois Use Tax, the purchaser must prepare and retain in his files, the completed exemption certificate. The exemption certificate shall be available to the Department for inspection or audit.

3) A vendor who makes sales of machinery or equipment to a manufacturer or lessor of a manufacturer must collect Use Tax, and will owe Retailers' Occupation Tax, on that sale unless the purchaser certifies the exempt nature of the purchase to the vendor as set out above. The Summary Schedule, RR-586, must be submitted in lieu of taxes at the time the taxes are due.

4) In the case of a vendor who makes sales of qualifying machinery or equipment to a contractor who will incorporate it into real estate so that he, the contractor, would be the taxable user (see Sections 130.1940 and 130.2075 of this Part), the purchasing contractor should provide the vendor with a certification that the machinery or equipment will be transferred to a manufacturer as manufacturing machinery or equipment in the performance of a construction contract for the manufacturer. The purchasing contractor should include the manufacturer's name and registration number on the certification when claiming the exemption.

## h) Opinions and Rulings

Informal ruling and opinion letters issued by the Department regarding the coverage and applicability of this exemption to specific devices will be maintained by the Department in Springfield. They will be available for public inspection and may be copied or reproduced at taxpayer's expense. Trade secrets or other confidential information in such letters will be deleted prior to release to public access files.

(Source: Amended at 25 Ill. Reg. 6515, effective May 3, 2001; expedited correction at 25 Ill. Reg. 15681, effective May 3, 2001)

DEPARTMENT OF LABOR  
NOTICE OF PUBLIC INFORMATION  
CONTRACTOR PROHIBITED FROM AN AWARD  
OF A CONTRACT OR SUBCONTRACT  
FOR PUBLIC WORKS PROJECTS

Pursuant to the settlement of In re: Roberts Consulting, IDOL File Nos. 01-PW-JD08-0953 and 01-PW-JD08-0954, the Director of the Department of Labor gives notice that Mr. Samuel Roberts, owner of Roberts Consulting, and any other officer, partner, shareholder or title holder of Roberts Consulting, currently located at 818 Maple Avenue, Paris, Illinois 61944, are prohibited from bidding, accepting or working on any contract or subcontract for a public works project covered by the Prevailing Wage Act, 820 ILCS 130/0.01 et seq., commencing November 1, 2001 and continuing through October 31, 2003.

Copies of the Prevailing Wage Act are available on the internet at <<http://www.legis.state.il.us/ilcs/ch820/ch820act130.htm>>, and at the:

Illinois Department of Labor  
Conciliation and Mediation Division  
One West Old State Capital Plaza, Room 300  
Springfield, Illinois 62701-1217

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of November 20, 2001 through November 26, 2001 and have been scheduled for review by the Committee at its December 18, 2001 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
1/4/02	State Board of Education, Urban Education Partnership Program (23 Ill Adm Code 245)	9/7/01 25 Ill Reg 11303	12/18/01
1/4/02	State Board of Education, Transitional Bilingual Education (23 Ill Adm Code 228)	9/7/01 25 Ill Reg 11294	12/18/01
1/4/02	State Board of Education, Preschool Educational and Coordinated Model Preschool Educational Programs (23 Ill Adm Code 235)	9/7/01 25 Ill Reg 11255	12/18/01
1/4/02	State Board of Education, School Technology Program (23 Ill Adm Code 575)	9/7/01 25 Ill Reg 11265	12/18/01
1/4/02	State Board of Education, School Construction Program (23 Ill Adm Code 151)	9/7/01 25 Ill Reg 11261	12/18/01
1/4/02	State Board of Education, Truants' Alternative and Optional Education Programs (23 Ill Adm Code 205)	9/7/01 25 Ill Reg 11299	12/18/01
1/4/02	State Board of Education, Scientific Literacy (23 Ill Adm Code 220)	9/7/01 25 Ill Reg 11270	12/18/01
1/4/02	State Board of Education, Alcohol and Drug Education Initiative (23 Ill Adm Code 225)	9/7/01 25 Ill Reg 11205	12/18/01



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

1/9/02	Department of Public Health, Local Health Protection Grant Rules (77 Ill Adm Code 615)	9/28/01 25 Ill Reg 12331	12/18/01
1/9/02	Secretary of State, Uniform Commercial Code (14 Ill Adm Code 180)	8/3/01 25 Ill Reg 9835	12/18/01
1/9/02	Department of Transportation, Signing to Traffic Generators and Motorists Services (Repealer) (92 Ill Adm Code 552)	10/5/01 25 Ill Reg 12571	12/18/01
1/9/02	Department of Agriculture, Livestock Dealer Licensing (68 Ill Adm Code 610)	9/14/01 25 Ill Reg 11685	12/18/01
1/9/02	Department of Agriculture, Illinois Pseudo-rabies Control Act (8 Ill Adm Code 115)	9/14/01 25 Ill Reg 11689	12/18/01
1/9/02	Department of Agriculture, Animal Disease Laboratories Act (8 Ill Adm Code 110)	9/14/01 25 Ill Reg 11639	12/18/01
1/9/02	Department of Agriculture, Swine Disease Control and Eradication Act (8 Ill Adm Code 105)	9/14/01 25 Ill Reg 11694	12/18/01
1/9/02	Department of Agriculture, Diseased Animals (8 Ill Adm Code 85)	9/14/01 25 Ill Reg 11657	12/18/01
1/9/02	Department of Agriculture, Illinois Bovidae and Cervidae Tuberculosis Eradication Act (8 Ill Adm Code 80)	9/14/01 25 Ill Reg 11652	12/18/01
1/9/02	Department of Agriculture, Livestock Auction Markets (8 Ill Adm Code 40)	9/14/01 25 Ill Reg 11679	12/18/01
1/9/02	Department of Employment Security, Determination of Unemployment Contributions (56 Ill Adm Code 2770)	10/5/01 25 Ill Reg 12500	12/18/01

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

1/9/02	State Board of Education, Certification (23 Ill Adm Code 25)	9/14/01 25 Ill Reg 11701	12/18/01
1/9/02	State Board of Education, Certification (23 Ill Adm Code 25)	9/7/01 25 Ill Reg 11209	12/18/01

Rules acted upon in Issue 49 are listed in the Issues Index by Title number, part number and Issue Number. The letter "R" designates a rule that has been repealed. Inquiries about the Issue Index may be directed to the Administrative Code Division at 217-782-4414

**PROPOSED**

- 23-29-49
- 23-26-49
- 23-260-49
- 47-355-49
- 86-150-49
- 86-430-49

**ADOPTED**

- 11-210-49
- 11-436-49
- 11-603-49
- 11-1413-49
- 17-760-49
- 20-1295-49
- 80-310-49

**EMERGENCY**

- 47-355-49
- 71-2005-49(R)
- 71-2005-49

**PEREMPTORY**

- 80-310-49



